Supreme Court, U.S.
FILED

'97 1329 DEC 29 1997

OFFICE OF THE CLERK

No.

IN THE

SUPREME COURT OF THE united STATES

October Term 1997

Leonard Lloyd, Morris
Petitioner,

V.

united States Court of Appeals for the Ninth Circuit
Respondent.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
Real Party in Interest

PETITION FOR WRIT OF MANDAMUS

Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres, California state
Non-Domestic [95307]
(209) 522-1703 - 524-0178 Fax

120 pp

QUESTIONS PRESENTED FOR REVIEW

1. The fundamental question presented for review by this case is whether or not the united States Court of Appeals for the Ninth Circuit has issued a Decision in direct conflict with the original intent of the filing by Petitioner by virtue of the fact that the requested action was that of a Judicial Original Action for Judicial Review DeNovo of Administrative Action in Federal District Court and the Decision rendered was a denial for Writ of Mandamus.

2. This case presents the corresponding question for review as to whether or not the united States Court of Appeals for the Ninth Circuit has the authority to change a petitioners request from the action sought to an action specifically outlined as not requested by Petitioner.

3. This case also presents for review the question of whether the united States Court of Appeals exceeded its authority by changing an action requested in the normal course of law, as

mandated by Congress, to that of one asking for an extraordinary course of law which can be denied because all administrative remedies had not been exhausted by Petitioner and thereby converting Petitioner's intent from seeking proper administrative remedies to one of seeking improper remedies so that Petitioner's request could be summarily denied.

4. Is not an instrument filed and accepted by the clerk of court, with acceptance of filing fee by clerk of court, a contract between that court and the moving party and as such does the clerk of court have the authority to change the terms and conditions of said contract without the moving parties authorization?

LIST OF ALL PARTIES

The undersigned certifies that the following listed parties have an interest in the outcome of this case. These representations are made in order that the Judges of this Court may evaluate possible disqualification or recusal.

united States Court of Appeals for the Ninth Circuit - Respondent

Circuit Judges: SNEED, LEAVY and TROTT - Respondents

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
Magistrate: BECK - Real Party in Interest

Leonard Lloyd, Morris - Petitioner

Leonard Lloyd, Morris
Petitioner

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I STATEMENT OF THE CASE

1. The cause arises out of the denial of the Respondent to perform its "ministerial" as well as its Congressionally mandated obligation to hear the Judicial Original Action for Judicial Review DeNovo of Administrative Action in the Federal District Court Eastern District of California as mandated under Title 5 U.S.C. sections 701-706.

II JURISDICTION

2. Jurisdiction is invoked under 28 U.S.C. 1651.

III PETITIONER

3. Petitioner is the Citizen in Party to the Judicial Original Action for Judicial Review DeNovo of Administrative Action in the Federal District Court Eastern District of California.

IV RESPONDENT

4. Respondent is the united States Court of Appeals for the Ninth Circuit, Circuit Judges SNEED, LEAVY and TROTT.

V STATEMENT OF FACTS

5. Petitioner filed a Judicial Original Action for Judicial Review DeNovo of Administrative Action in Federal District Court, with the

united States Court of Appeals for the Ninth Circuit San Francisco, California state on November 5, 1997. See Judicial Original Action for Judicial Review DeNovo of Administrative Action in the Federal District Court exhibit "A", attached hereto and incorporated herein by reference.

6. Petitioner received on November 17, 1997, correspondence form the UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, dated November 12, 1997, assigning a Case No. 97-80611, and stating:

> "A petition for writ of mandamus and/or prohibition has been received in the Clerk's Office of the United States Court of Appeals for the Ninth Circuit.
>
> The U.S. Court of Appeals docket number shown above has been assigned to this case. You must indicate this Court of Appeals docket number when corresponding to this office relative to your case.
>
> Pursuant to Rule 21(b), FRAP, no answer to a petition for writ of mandamus and/or prohibition may be filed unless ordered by the Court. If such an order is issued, the answer shall be filed by the respondents within the time fixed by the Court.
>
> A copy of the docket sheet case title page is attached. Please take special note of the case caption, as it may differ from that shown on the papers submitted for filing. Pursuant to Circuit Rule 21-2, an application for writ of mandamus an/or prohibition shall not bear the name of the district court judge concerned. Rather, the appropriate district court shall be named as respondent."

See exhibit "B" correspondence, attached hereto and incorporated herein by reference.

7. Petitioner, on November 18, 1997, refused for fraud the above mentioned correspondence stating the Judicial Original Action for Judicial Review DeNovo of Administrative Action in the Federal District Court had been converted by the UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT to a petition for writ of mandamus and/or prohibition. See exhibit "B" Refusal for Fraud, attached hereto and incorporated herein by reference.

8. Petitioner, on December 12, 1997, received from the UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT an ORDER from CATHY A. CATTERSON, CLERK U.S. COURT OF APPEALS stating:

> "Petitioner's "Judicial Original Action for Judicial Review" is denied. All other pending motions are denied as moot.
>
> No motions for reconsideration, rehearing, clarification, stay of the mandate, or any other submissions shall be filed or entered in this closed docket."

See exhibit "C" ORDER, attached hereto and incorporated herein by reference.

9. Petitioner, on December 18, 1997, refused for fraud the above mentioned ORDER form the UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

See exhibit "C" Refusal for Fraud, attached hereto and incorporated herein by reference.

10. Petitioner, to date, has not received from the united States Court of Appeals For the Ninth Circuit San Francisco, California state nor form the UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT any answer to the refusals for fraud, exhibits "B" and "C".

11. The united States Court of Appeals For the Ninth Circuit San Francisco, California state has intentionally attempted to sidestep their Congressionally mandated duty under Title 5 U.S.C. Sections 701-706 by applying Petitioners request for Judicial Original Action for Judicial Review DeNovo of Administrative Action in the Federal

District Court Eastern District of California into a "Petition for writ of mandamus and/or prohibition". Although Petitioner timely refused for fraud the UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT attempted conversion from that of an Original Action for Judicial Review of Administrative Action in the Federal District Court to that of a Petition for writ of mandamus and/or prohibition, the Court proceeded to treat Petitioners request as a Petition for writ of mandamus as evidenced by the Case Number assigned to the Petition for writ of mandamus still appears on the ORDER denying Judicial Original Action for Judicial Review. Also noted on the ORDER in the second paragraph it states: "No motions for reconsideration, rehearing, clarification, stay of the **"mandate"**, or any other submissions shall be filed or entered in this closed docket," clearly stating Petitioners request was treated as petition for writ of mandamus. (Emphasis added) See exhibit "C" ORDER, attached hereto and incorporated herein by reference.

12. The UNITED STATES COURT OF APPEALS FOR THE

NINTH CIRCUIT'S ORDER, denying Petitioner's "Judicial Original Action for Judicial Review", attempts to lead one to believe that Citizen in Party's request was heard before: SNEED, LEAVY and TROTT, Circuit Judges; however the ORDER is unsigned by any of the Circuit Judges mentioned nor is it even signed at all, leading Petitioner to believe that the UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT is attempting to perpetrate a Fraud on the Citizen in Party by its ORDER See exhibit "C" ORDER, attached hereto and incorporated herein by reference..

VI STATEMENT OF REASONS WHY THE WRIT SHOULD ISSUE

13. Respondent's duty to hear Petitioner's "Judicial Original Action for Judicial Review DeNovo of Administrative Action in the Federal District Court is not only mandated by Congress through Title 5 U.S.C. sections 701-706, but is also a puerilely "ministerial duty" in the administration of Justice under the facts of this case.

14. Petitioner has complied with every requirement of the Federal

Rules with regard to all procedures required of him under the facts of this case.

15. As stated in Title 5 U.S.C. sections 701-706 state: "judicial review of administrative action is rule, and nonreviewability is exception which must be demonstrated." ***Suwannee S.S. Co. v United States (1977) 79 Cust Ct 19, 435 F Supp 389,*** thus the Respondent is clearly outside of its authority to deny Citizen in Party's request for Judicial Original Action for Judicial Review.

16. The UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, in concerted action with the FEDERAL DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA have conspired to deny due process of law and the equal protection under the law to the Petitioner and in so doing have denied Petitioner his right to life, liberty and property.

17. Petitioner has no other administrative or civil remedy available to obtain justice in this case.

18. Although mandamus is an extraordinary legal remedy, it is in the

nature of an equitable interference supplementing deficiencies of the common law, and will ordinarily be issued where a legal duty is established (as established herein) and no other means exist for enforcing it (which is also true herein).

19. The duty whose performance is sought to be compelled is current, no demand and refusal is required, and the Respondent has the ability to comply with the sought writ.

20. Substantial justice is sought to be enforced by the writ and substantial injury prevented.

VII RELIEF REQUESTED

21. Petitioner requests that Respondent be compelled to execute Petitioner's request for Judicial Original Action for Judicial Review DeNovo of administrative Action in Federal District Court, or in the alternative appear and show cause why Respondent should not be compelled to do so.

Respectfully submitted,

Dated December 29, 1997

Leonard Lloyd, Morris

CERTIFICATE OF SERVICE

I, Leonard Lloyd, Morris, being competent to serve papers, on December 29, 1997, caused to be served the PETITION FOR WRIT OF MANDAMUS, by placing in a postage paid envelope and placing said envelope in the U. S. Mail, Registered, addressed to the following:

Circuit Judge: SNEED
U.S. Court of Appeals
For the Ninth Circuit
95 Seventh Street
San Francisco, California state
Non-Domestic [94119]
Registered Mail # R 213 867 838

Circuit Judge: LEAVY
U.S. Court of appeals
For the Ninth Circuit
95 Seventh Street
San Francisco, California state
Non-Domestic [94119]
Registered Mail # R 213 867 839

Circuit Judge: TROTT
U.S. Court of Appeals
For the Ninth Circuit
95 Seventh Street
San Francisco, California state
Non-Domestic [94119]
Registered Mail # R 213 867 840

CATHY A. CATTERSON, Clerk
U.S. Court of Appeals
For the Ninth Circuit
95 Seventh Street
San Francisco, California state
Non-Domestic [94119]
Registered Mail # R 213 867 841

Magistrate: BECK
U.S. Courthouse
1130 O street
Fresno, California state
Non-Domestic [93721]
Registered Mail # R 213 867 842

Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres, California state
Non-Domestic [95307]
(209) 522-1703

Respond to:
Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres, California
Postal zone [95307]

united States Court of Appeals

For the Ninth Circuit

San Francisco, California state

Leonard Lloyd, Morris,	)	
Citizen in Party	)	Judicial Original Action for Judicial
	)	Review DeNovo of Administrative
-v-	)	Action in Federal District Court
	)	
Charles J. Stevens	)	
U.S. Attorney	)	
U.S. Courthouse	)	
1130 "O" Street	)	
Fresno, California [93721]	)	
	)	
Karen J. Kalmanir	)	
Assistant U.S. Attorney	)	
U.S. Courthouse	)	
1130 "O" Street	)	
Fresno, California [93721]	)	
	)	
Magistrate: Dennis L. Beck	)	
U.S. Courthouse	)	
1130 "O" Street	)	
Fresno, California [93721]	)	
	)	
United States District Court	)	
Eastern District of California	)	Jury Trial Demanded Within
U.S. Courthouse	)	

Fresno, California [93721])
Respondents.)
_____)_____

Sworn and Subscribed:

the instant action is defined as a contract with the Ninth Circuit Court of Appeals of the united States of America, to wit: Offer-presentment of pleading by Citizen in Party, acceptance-assignment, stamping of case number, thereon-consideration -filing fee accepted by Clerk of Court, the Ninth Circuit Court of Appeals of the united States of America to enforce the terms and conditions of said contract.

Citizen in party is the movant and Citizen in party swears to tell the truth and has first hand knowledge of facts:_____
Leonard Lloyd, Morris, Citizen in Party

Jurisdiction

The Ninth Circuit Court of Appeals of the united States of America, has original jurisdiction arising under Federal Law Pursuant to Title 28 U.S.C. section 1331(a), section 1343, over this Common Law Case, F.R.C.P. 38(a), Title 5 U.S.C. section 552(b)(h)(1), Title 5 U.S.C. subsection (G)(1)-(5) injunction and torts, to wit: "The District Courts of the united States shall have jurisdiction to enforce the requirements of subsections (B) through (F) of this section by Declatory Judgment, Injunctive Relief, or other relief as may be appropriate", Title 5 U.S.C. section 701-706, Title 5 U.S.C. Section

702, zone of interest, Judicial Review, Standing of Citizen in Party, legal wrong, waiver of sovereign of immunity, Title 28 U.S.C.S. section 2344, party aggrieved, Title 28 U.S.C. section 1651 All Writs Act, Title 31 U.S.C. section 1304. This Court has jurisdiction to make a judicial review of the administrative proceedings within the Respondent Court in that Movant has exhausted his administrative remedies, has no remedy by way of appeal and does not know the nature and cause of the agency in the Respondent Court, this Court further, has power and authority to effect a remedy and has been mandated by Congress to make said judicial review and Title 5 U.S.C. section 705 paragraph 17 allow circuit court to stay agency orders. Further, the reviewing court under Title 5 U.S.C. section 706 has been given a scope of review to effect a remedy. Citizen in Party is damaged in that his substantive rights have been violated under the fifth Amendment to the Constitution of the united States of America, denial of due process, which is causing a lose of life and liberty by being restricted under violation of Probation.

Movant states: No dispositive motions will be accepted into the case, by

terms of conditions of the contract. The Court will enforce, for Movant, if any defense motions violate the Congressional intent of Congress pursuant to Title 5 U.S.C. section 706.

The Ninth Circuit Court of Appeals united States of America has jurisdiction to review legal wrongs suffered by Citizen in Party due to the actions of Federal agency in violation of laws. Statutes, ordinances, regulations, and prohibitions set forth under the Constitution for the united States of America.

Parties

1. Movant/Citizen in Party, Leonard Lloyd, Morris, hereinafter "Leonard", is at no time pro se, pro per and has never been represented by himself or by a licensed attorney since his charge of violation of probation, nor has Leonard ever been a party to the agency action in review. Leonard was living comfortably with his family at a house located in the Stanislaus County, California prior to and since being charged with violation of probation. Leonard was carrying on with life and living up to what he

believes to be the letter of the law, and Leonard sues as Citizen in Party in this matter.

2. Federal District Court Prosecutor, Charles J. Stevens, hereinafter "Respondent Stevens" is an employee of the Federal government and is commercially enriched and rewarded as such and performs both prosecutorial and administrative functions from time to time and has both official and individual capacities while employed by the Federal government as a direct agent for the agency. Upon reason and belief, Respondent Stevens has an Oath of Office in regards to his functions and is highly trained and knowledgeable in both prosecutorial and administrative procedures especially those procedures surrounding Title 5 U.S.C. section 701-706. Upon reason and belief Respondent Stevens is bonded in regards to his official capacity. Respondent Stevens is being sued in his administrative capacity and individually for knowledge of a violation of the law and failure to correct said actions which are arbitrary, capricious, malicious, unlawful, unconstitutional, unreasonable or a wonton trespass causing personal injury upon Leonard herein.

3. Federal District Court Prosecutor, Karen J. Kalmanir, hereinafter

"Respondent Kalmanir" is an employee of the Federal government and is commercially enriched and rewarded as such and performs both prosecutorial and administrative functions from time to time and has both official and individual capacities while employed by the Federal government as a direct agent for the agency. Upon reason and belief, Respondent Kalmanir has an Oath of Office in regards to her functions and is highly trained and knowledgeable in both prosecutorial and administrative procedures especially those procedures surrounding Title 5 U.S.C. section 701-706. Upon reason and belief Respondent Kalmanir is bonded in regards to her official capacity. Respondent Kalmanir is being sued in her administrative capacity and individually for knowledge of a violation of the law and failure to correct said actions which are arbitrary, capricious, malicious, unlawful, unconstitutional, unreasonable or a wanton trespass causing personal injury upon Leonard herein.

4. Federal District Court Magistrate, Dennis L. Beck, hereinafter "Respondent Beck" is an employee of the Federal government and is commercially enriched and rewarded as such and performs both judicial and administrative functions form time to time and has both official and

individual capacities while employed by the Federal government as a direct agent for the agency. Upon reason and belief, Respondent Beck has an Oath of Office in regards to his functions and is highly trained and knowledgeable in both judicial and administrative procedures especially those procedures surrounding Title 5 U.S.C. section 701-706. Upon reason and belief Respondent Beck is bonded in regards to his official capacity. Respondent Beck is being sued in his administrative capacity and individually for knowledge of a violation of the law and failure to correct said actions which are arbitrary, capricious, malicious, unlawful, unconstitutional, unreasonable or wanton trespass causing personal injury upon Leonard herein

5. Federal District Court, Fresno, California hereinafter "Respondent Court", is a Federal administrative agency which performs both administrative and judicial functions from time to time. In the instant matter, Respondent Court is being sued as an agency for denial of substantive due process rights and violations of united States laws, statutes, ordinances, regulations, rules, and for acts prohibited under the Constitution for the united States of America.

Statement of Facts

6. The foregoing paragraphs 1 through 5 are fully incorporated herein by reference.

7. On or about August 29, 1997, Leonard was placed in violation of probation by U.S. Probation Officer Kevin J. Crawford.

8. On or about September 23, 1997, Leonard was served with a summons to appear for violation of probation, dated September 17, 1997, by Kevin J. Crawford.

9. On or about September 25, 1997, Leonard caused to be served upon Respondent Stevens, Federal District Court Prosecutor and Respondent Kalmanir, Federal District Court Prosecutor, a private Demand for Bill of Particulars, hereinafter BOP. See "BOP" exhibit "A", attached hereto and incorporated herein by reference.

10. Leonard's demand for the BOP was cased upon Leonard's substantive right to be informed of the nature and cause of the proceedings as required by the laws of nature, the 6th Article in Amendment to the Constitution for the united States of America, Federal Criminal Rule 7(f). Federal Rule of Civil Procedure 12(e), and other restatements of common law rights and

procedures.

11. At a hearing before the respondent court on or about October 17, 1997, hereinafter "Hearing", Dawrence Rice representing Respondent Kalmanir, admitted to Respondent Beck that Respondent Kalmanir had been served the private BOP. See exhibit "B" certified court transcript of Hearing, attached hereto and incorporated herein by reference.

12. At the Hearing, Dawrence Rice stipulated that Respondents Stevens nor Kalmanir would not answer the Demand for BOP served by Leonard. See exhibit "B" certified court transcript of Hearing, attached hereto and incorporated herein by reference.

13. Upon being informed by

Dawrence Rice representing Respondent Kalmanir at Hearing that Respondent Kalmanir would not respond to the Demand for BOP, Respondent Beck, in opposition to Leonard's protest and special objection, continued the proceedings without Leonard being informed of the nature and cause thereof in violation of Federal Criminal Rule 7(f) and Federal Civil Rule 12(e).

14. Leonard has been prejudiced by the acts and actions of the Respondents

in that :

* Leonard has not seen any civil or criminal charging instrument bearing Leonard's appellation thereon.
* Leonard has been denied his substantive due process of law right to know the nature and cause of the proceedings before compelled to participate or plead or be compelled to waive any substantive rights, including the right to demand an extradition hearing if applicable and if Leonard is the party in the proceedings.
* Leonard has not entered a pleading, hired an attorney or any one else to represent him, posted bail or bond or any other understanding with the court, accepted any privilege of the court, etc., as though Leonard were a party.
* Leonard has not made consented to being charged with violation of probation by Respondents.
* Leonard has not made any general appearance, nor answered any questions of the Respondents.
* Leonard has not been given any meaningful hearing upon which Respondents have disclosed the answer to specific questions regarding

nature and cause of the charges in the Demand to BOP as to the parties, venue, jurisdiction, right of action, cause of action, agency procedures, or statement of a controversy in the proceedings.

* Leonard is under threat, duress, and coercion by alleged orders, judgments, and decrees from the Respondents to waive rights and convey to United States Marshals: finger prints, signatures, pictures, and complete "personal history form", as a means of joinder into the merits of the proceedings without being informed of the nature and cause of those proceedings to moot Leonard's timely demand for rights by BOP. See Exhibit "C", SUMMONS from the Respondent Court, refused for fraud, attached hereto and incorporated herein by reference.

* Leonard has been under threat, duress, and coercion of an appointment of an attorney or public defender by Respondents when Leonard has not been informed as to whether Leonard is even a party herein, and has not authorized Respondents nor any other person to represent him. See Exhibit "B" Court hearing transcript, attached hereto and incorporated herein by reference.

* Leonard has no remedy in the proceedings if Leonard is not a party to the

proceedings, and will not know if Leonard is a party until Respondents respond to his Demand for BOP.

13. Respondents have failed, neglected, refused to comply with Leonard's Demand for BOP, required by Title 5 U.S.C. section 552, et seq., Administrative Procedures Act (being as the Federal District Court is an administrative agency of the military Branch of the Executive Department of the United States) forcing Leonard to place Respondents Stevens and Kalmanir in default. See Exhibit "D" Affidavit of Default, attached hereto and incorporated herein by reference.

14. Respondents have failed, neglected, refused to fully comply with Leonard's Demand for BOP required under Federal Civil Rule of Procedure, Rule 12(e), and required under Federal Rule of Criminal Procedure 7(f), as substantive due process of law requirements, prior to proceeding forward under the merits of the United States proceedings and denying Leonard his due process of law rights to know the nature and cause of the proceedings before being compelled to defend therein.

15. Leonard has noticed Respondents of the gross error in denial of due process of law in the proceedings.

16. Respondents have failed, neglected, refused, to correct errors by Respondents.

17. Respondents have moved against Leonard's private property, Leonard himself, by charging Leonard with violation of probation, and continuing to restrict Leonard against his consent, without due process of law and in violation of Statute, Rule, Regulation, and Constitution, by failing to inform Leonard of the nature and cause of the proceedings upon which Leonard is being restricted and liberties violated.

LEGAL CLAIMS

18. The foregoing paragraphs 1 through 17 are fully incorporated herein by reference.

COUNT #1

CONSTITUTIONAL TORT

AMENDMENT ARTICLE SIXTH

19. Without due process in law, Respondents continual, ongoing. persistent acts and failure to act, legal wrongs, invasion of legally protected rights of Leonard, rights removed, by Respondents, without being informed as to the

nature and cause of said acts, actions, or proceedings, adversely affecting Leonard, aggrieved by Respondents.

COUNT #2

CONSTITUTIONAL TORT

AMENDMENT ARTICLE FOURTH

20. Without Due Process in law, Respondents continual, ongoing, persistent acts and failure to act, legal wrongs, invasion of legally protected rights of Leonard, restriction of rights, by Respondents, without a summons upon probable cause supported by Oath of affirmation and particularly describing the person to be summoned, adversely affecting Leonard, aggrieved by Respondents.

COUNT #3

CONSTITUTIONAL TORT

AMENDMENT ARTICLE FIFTH

21. Without Due Process in law, Respondents violate Leonard's privacy and liberty, Constitutional protections, by Respondents.

COUNT #4

TORT, TORT FEASORS

VIOLATION OF STATUTES, REGULATIONS, RULES

22. Without Due Process in law, Respondents violate vital interests, privacy and liberty, sought to be protected by Leonard, by Respondents.

COUNT #5

TORT, TORT FEASORS

LEGAL CLAIM

23. Without Due Process of law, Respondents acts, omissions, as against Leonard, are within the zone of interest, rules, statutes, Constitutional questions, by Respondents.

COUNT #6

TORT, TORT FEASORS

VIOLATIONS OF STATUTES, REGULATIONS, RULES

24. Without Due Process in Law, Respondents operate on Leonard, in excess of authority, without venue, jurisdiction, creating an injury in fact, upon Leonard, by Respondents.

COUNT #7

TORT, TORT FEASORS

VIOLATIONS OF STATUTES, REGULATIONS, RULES

25. Without Due Process in Law, Respondents acts, omissions are direct, proximate cause of injury, to Leonard, by Respondents.

COUNT #8

TORT, TORT FEASORS

VIOLATIONS OF STATUTES, REGULATIONS, RULES

26. Without Due Process of Law, Respondents acts, omissions are arbitrary, capricious, abuse of discretion, abuse of authority, malfeasance of office, by Respondents.

COUNT #9

FRAUD

27. ERROR: it was error for Respondents to proceed against Leonard without responding to Leonard's Demand for BOP in violation of the Federal Rules of Civil Procedure, Rule 12(e) demand for more definite statement, which is a civil demand for Bill of Particulars (See Federal Commentary notes, 1938, under Civil Rule 12(e).

COUNT # 10

FRAUD

28. ERROR: It was error for Respondents to proceed against Leonard without responding to Leonard's Demand for BOP in violation of Federal Rules of Criminal Procedure, Rule 7(f) Bill of particulars, which is mandatory upon the United States Prosecutor.

COUNT # 11

FRAUD

29. ERROR: It was error for Respondent Beck not to order Respondents Stevens and Kalmanir to provide a Bill of Particulars in response to Leonard's timely demand for same in violation of Leonard's substantive due process rights.

COUNT # 12

FRAUD

30. ERROR: It was error for Respondent Beck no to order Leonard discharged forthwith from violation of probation after Respondent Stevens and Kalmanir's representative stipulated that Respondents would not respond to Leonard's Demand for BOP, leaving Leonard with a prejudice

and substantive due process of law violation.

CONCLUSION

31. The foregoing paragraphs 1 through 30 are fully incorporated herein by reference.

32. Leonard states, Court can redress injury to Leonard by favorable decision, cure injury.

33. A Justiciable controversy exists.

34. Administrative remedies have been exhausted by Leonard.

35. Further attempted administrative remedies would prove futile against Respondents by Leonard.

36. Respondents have used unreasonable delay in granting Leonard his substantive Due Process in Law demands and remedies.

37. Respondent's acts omissions, have a direct, immediate effect, against Leonard, by Respondents.

38. Respondent's acts, omissions are in brazen defiance of statutory authorization, by Respondents.

39. Controversy is ripe for adjudication, by 9th Circuit Court of Appeals of

the united States of America.

40. This action is taken by Leonard to expedite final resolution, by 9th Circuit Court of Appeals of the united States of America.

41. Leonard states: There is substantial likelihood that Leonard will succeed on the merits of claim, by Leonard.

42. Leonard states: Leonard will suffer irreparable injury if injunctive relief is not granted, pending final determination, by 9th Circuit Court of Appeals of the united States of America.

43. Granting injunctive relief will not injure Respondents, by 9th Circuit Court of Appeals of the united States.

44. It is in the interest of the public at large to grant injunctive relief, by Court.

45. Respondents are sued jointly, severally, in individual-private-capacity, in official capacity, by Leonard.

Prayer for Relief

Citizen in Party prays for:

46. Peremptory order from the Court staying further action by Respondents against Leonard including incarceration, transportation, movement,

harassment, trespass, or any forceful actions until this Court has had opportunity to review the administrative actions of the Respondent Court.

47. Order of the Court holding unlawful and setting aside the actions, findings and conclusions of the Respondents including arrest, incarceration, violation of probation, forced participation, which this Court finds was arbitrary, capricious, an abuse of discretion, and not in accordance with law, or contrary to substantive rights, power, privilege, or immunity, Constitutionally protected, or in excess of statutory jurisdiction, authority or limitation, or without observance of procedure required by law, or unsupported by the substantial evidence in the case.

48. An Order of the Court declaring that the controversy herein between the parties is ripe for adjudication.

49. An Order of the Court declaring that Leonard has a substantive right to know the nature and cause of the action against him in any proceedings before Respondents.

50. An Order of the Court declaring that Respondents Stevens and Kalmanir knowingly acted unlawfully when they failed to answer the Notice for Demand for Bill of Particulars and proceeded to prosecute Leonard.

51. An Order of the Court declaring that the actions of Respondents' herein were arbitrary, capricious, and in violation of constitutional mandates protected by the 9th Amendment, united States constitution.

52. An Order of the Court declaring that the Respondents' actions in proceeding against Leonard without responding to Leonard's demand for Bill of Particulars were an immediate trespass and damage to Leonard.

53. Order from the Court, to wit: Respondents did, with knowledge, negligence and intent, violate oath of office, bond, of each respondent, by Respondent.

54. Order from the Court, to wit: Ordering forfeiture of bond of each Respondent, to Leonard, by Respondent.

55. Compensatory damages, in the sum certain amount of Five thousand dollars united States currency, for each day Leonard had his rights suspended when Respondents did not respond to Leonard's demand for Bill of Particulars, by Respondents.

56. Order from the Court for reimbursement of costs of this action.

57. Such other relief as the Court deems necessary, proper, and just pursuant to procedural and substantive due process.

Further Citizen in Party saith naught.

VERIFICATION

The foregoing complaint, by the hand of Leonard Lloyd, Morris, is given subjective to the penalty of perjury per 28 U.S.C. 1746(1), without the UNITED STATES.

Attest:_____
Leonard Lloyd, Morris

California state)
)ss
Stanislaus County)

Before me, a Notary Public, appeared Leonard Lloyd, Morris, who being identified to me as being of legal age, competent to testify, die affirm and subscribe hereto on the 5th day of November, 1997

_____
Barbara Eileen, Isom, Notary Public

Respond to:
Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres
California republic

united States Court of Appeals

For the Ninth Circuit

San Francisco, California state

Leonard Lloyd, Morris Citizen in Party	)	Case No.:
	)	
	)	Judge:
-vs-	)	
	)	Motion for Stay of Respondent
Charles J. Stevens, et al Respondents	)	Agency "Orders" Pending
	)	
	)	Judicial Review
	)	

Leonard Lloyd, Morris, hereinafter Citizen in Party, moves this honorable court upon the filing of this action for an immediate "Order" to stay any orders or agency action by the Respondents named herein until such time as this honorable court has fully and completely under las made a judicial review of all of the facts, evidence and record of proceedings within Respondent Court United States District Court Eastern District of California, pursuant to Title 5 section 706. This Motion is made pursuant to Title 5 section 705 paragraph 17. This Motion will not prejudice Respondents herein and is necessary and imperative for Citizen in Party to

preserve the record for this honorable court. As points of authorities Citizen in Party cites **GTE Service Crp., C.A.D.C. 1985, 762 F2e 1024, 246 U.S.Ap.D.C.45.**

Leonard Lloyd, Morris, Citizen in Party

PRAECIPE TO CLERK

To the Clerk, united States Court of Appeals for the Ninth Circuit San Francisco, California state.

GREETINGS:

you are hereby respectfully ordered by the ancient writ of praecipe to file, preserve and make known this Original Action for Judicial Review DeNovo of Administrative Action in Federal District Court, pursuant to U.S.C. Title 5 section 701-706, in the matter of CR-F-91-212-DLB.

This Judicial Review is in the ordinary course of law and is **NOT** to be construed as a petition for any extraordinary course in law, such as a petition for writ of mandamus, writ of prohibition, or habeas corpus, etc.

_____

Leonard Lloyd, Morris

Certificate of Service

True and correct copies of the foregoing Motion to stay and Notice of Judicial Review... Were mailed first class, registered, to the following Respondents to this action on November 7, 1997.

Charles J. Stevens
U.S. Attorney
U.S. Courthouse
1130 "O" Street
Fresno, California [93721]
Registered Mail # R 207 873 010

Karen J. Kalmanir
Assistant U.S. Attorney
U.S. Courthouse
1130 "O" Street
Fresno, California [93721]
Registered Mail # R 207 873 011

Magistrate: Dennis L. Beck
U.S. Courthouse
1130 "O" Street
Fresno, California [93721]
Registered Mail # R 207 873 012

United States District Court
Eastern District of California
1130 "O" Street
Fresno, California [93721]
Registered Mail # R 207 873 013

Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres
California republic

Leonard Lloyd., Morris
c/o 2429 Condit Ct.
Ceres, California
Postal zone: [95307]

Demandant's Private Case Number 970915-PBP

TO:

CHARLES J. STEVENS
United States Attorney
U.S. Courthouse
1130 "O" Street
Fresno, California [93721]

and:

Karen J. Kalmanir
Assistant U. S. Attorney
U.S. Courthouse
Fresno, California [93721]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Case No. CRF-91-0212-
Plaintiff,	)	DLB
LEONARD MORRIS	)	
Defendant.	)	

Timely Private Demand for Bill of Particulars
to determine Nunc Pro Tunc
the Nature anc Cause of the Proceedings
as it applies to Me
with Affidavit in Verification

TAKE NOTICE that Leonard Lloyd., Morris, (hereinafter "Demandant"), appearing privately, specially and not generally in regard to Case Number CRF-91-0212-DLB filed in the UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA (hereinafter referred to as "Above Case"), and demanding all His rights at all times and waiving no right at any time, does make this timely demand, nunc pro tunc, to the United States Prosecutor (hereinafter referred to as "YOU" and "YOUR") and YOUR agents and principals for a Bill of Particulars. The Demandant (hereinafter referred to as "I", "ME" or "MY" or "MINE") does not grant the use of Demandant's Christian Appellation for any purpose in the Above Case except as a means to protect Demandant's unalienable rights in the premises of the people's venue/jurisdiction of California state (organic). The Demandant makes these timely demands solely of necessity, under threat, duress, and coercion, in that Demandant has been placed in violation of Probation and has had

probation rights removed as a direct result of process issued out of the Above Case.

* This Demand is made so that the Demandant herein can determine the nature and cause of the Above Case as it applies to Demandant, if it applies at all.

* The following questions are necessary, imperative, and material in the preparation of any dilatory pleadings and pleadings in bar involving the Demandant in this matter.

* The Demandant cannot adequately prepare or conduct any on going defense or remedy to his current exigent circumstances without this information.

* Demandant will be deprived and prejudiced of Demandant's unalienable rights under Nature's law and Nature's God as recognized under Due Process clause of the Fourth and Fifth Amendments to the Constitution for the united States of America, Amended 1791 (without the legislative venue/jurisdiction); and as further recognized under the Original Constitution of California (without the legislative venue/jurisdiction).

* This Demand is to be purviewed in the in the nature of a Demand for a Bill of Particulars if the Above Case is criminal [Criminal Rule

7(f)] and a Demand for a more definite statement if the Above Case is a civil in nature [Civil Rule 12(e)], whichever is applicable.

* If this demand is not the proper procedure to determine the nature and cause of the Above Case, then Demandant hereby empowers YOU and invokes YOUR authority under the common law principle of the Brother's Keeper rule to purview this demand into the proper procedure and process as the protection of the Demandant's rights so requires.

BACKGROUND

Demandant is in receipt, but not acceptance of a SUMMONS dated September 12, 1997 and served on Demandant September 22, 1997, alleging violation of probation, as a charging instrument (hereinafter referred to as "PLEADINGS"). The PLEADINGS are filed in Case Number CRF-91-0212-DLB in the UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA (hereinafter "COURT").

Demandant is without knowledge of the nature and cause to formulate a response to the PLEADINGS or a defense to the ongoing Above Case at this time as it applies to the Demandant. Demandant

has not entered any pleadings into the COURT in the Above Case. Until such time as YOU answer the following questions as to the nature and cause of the charges in the PLEADINGS, the Demandant can only presume to know what the nature and cause is. The Demandant does not even know if the Demandant is the party named in the charges set forth in the PLEADINGS. Demandant cannot obtain any remedy based upon mere presumptions. Presumptions do not lead to due process of law.

Demandant is under violation of probation as a direct and proximate result of the PLEADINGS in the Above Case. Because of the exigent circumstances under which the Demandant finds himself. YOU have ten (10) days to respond to the following questions. If more than ten (10) days are needed to respond, a reasonable extension will be granted YOU upon written request with a showing of reasonable facts in support as to why YOU need more time. Failure to respond within ten (10) days from receipt hereof will result in fault thereto and default being issued. A default will result in the prima facie presumption of bad faith on YOUR part and on the part of the UNITED STATES OF AMERICA, its agents, assigns, principals, and counsel. Default will be deemed as an exhaustion of

Demandant's administrative procedures and remedies. This will enable Demandant to seek JUDICIAL remedy for denial of due process of law and abuse of process by an original action. Any proceedings on the Above Case that are taken without first timely responding to this Demand by YOU will be deemed prima facie evidence of bad faith on YOUR part and by the UNITED STATES OF AMERICA and its agents, assigns, principals, and counsel.

A non responsive answer to any question set forth herein will be deemed a non responsive answer to all questions. All questions must be answered under penalty of perjury as true, correct, and complete. Failure to certify the answers thereto in this manner will be deemed as a non response to the questions. If the person to whom this Demand for Bill of Particulars is addressed is not the proper party to receive this demand, Demandant will presume that the person to whom this is addressed will promptly notify the Demandant of the name and title of the proper person who should get this demand and/or that the person who gets this Demand will forward this demand to the proper party forthwith. The principal of "Notice to the agent is notice to the principal" applies to this Demand. This Notice also applies to any successors or assigns in the Above Case. If any

response to this demand raises new questions or new issues as to the nature and cause of the action in the Above Case, Demandant reserves the right to amend and/or continue this Demand and the questions posed herein. If this demand and request for nature and cause of the Above Case is not procedurally correct, Demandant demands that the person to whom this Demand is addressed inform the Demandant of the correct procedure to obtain this information timely prior to compelling any act or action from Demandant that would prejudice Demandant's rights set forth under Nature and Nature's Law.

DEFINITIONS

The following definitions apply to the questions herein.

1). The word "SUMMONS" means the SUMMONS, served on Demandant, filed in Case Number CRF-91-0212 DLB in the UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

2). The word "PLEADINGS" means the SUMMONS AND PAPERS FILED in Case Number CRF-91-0212 DLB.

3). The word "tribunal" means the "UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA" and any of the proceedings held therein as it applies to Case Number CRF-91-0212 DLB under the style of UNITED STATES OF AMERICA, plaintiff, vs LEONARD MORRIS, a/k/a LEONARD LLOYD MORRIS, Leonard

Morris, Defendant.

4). The words "case", "action", or "proceedings" means the action or proceedings brought in the tribunal by the SUMMONS in this Case Number CRF-91-0212 DLB.

5). The word "Demandant" means "Leonard Lloyd., Morris".

6). The word "Plaintiff" means "UNITED STATES" and/or "UNITED STATES OF AMERICA", its counsel, agents, assigns, successors, principals, and predecessors in the action.

7). The word "Defendant" means "LEONARD LLOYD MORRIS, a/k/a LEONARD MORRIS, Leonard Morris.

8). The term "Nature and Cause"means the right to know the venue, jurisdiction, parties of interest, right of action, and cause of action upon which the action is based.

9). The term "people of California" means those people dwelling in the organic California as a Republic as set forth in the Constitution of California (without the legislative jurisdiction of the STATE OF CALIFORNIA and without the legislative jurisdiction of the UNITED STATES) who possess unalienable rights from nature's law and Nature's God, which rights are not liened or diminished by any legal impediment (such as by the bankruptcy of the United States as declared in March, 1933).

10). The term "Organic California state" means the lawful dejure state defined in the Constitution of California, without the legislative jurisdiction/venue of the Legislature of California and the Legislature of the UNITED STATES, and having the meets and bounds description belonging to California as a

lawful state under international law proclaimed by the inhabitants therein.

QUESTIONS

1. What is the true and correct Christian Appellation or proper name of the Demandant; please state the complete praenomen, nomen, and cognomen? (Use proper upper and lower case spelling)

2. What is the true and correct spelling of the Defendant's appellation in the PLEADINGS? (Use proper upper and lower case spelling as it appears in the caption of the PLEADINGS)

3. Does the Plaintiff claim that the Demandant and the Defendant are the same person?

4. If the answer to question 3 is yes, then what facts are relied upon to make that claim?

5. Does the Plaintiff claim that the Demandant is juristic (legal) or statutory person who spells Demandant's name in all capitol letters?

6. Does the Plaintiff claim that the Demandant is neither a normal person nor a lawful inhabitant of the premises of the jurisdictional venue of the Organic California state?

7. If the Plaintiff claims that the Demandant is a statutory or juristic person, what facts does the Plaintiff allege to support any assertion that the Demandant is an artificial, juristic, or statutory person?

8. Are the PLEADINGS in the case brought in the appellation of the Demandant?

9. Did the acts or actions described in the PLEADINGS occur within the boundaries of the Organic California state?

10. Are the PLEADINGS filed or pending in a court of record within the venue and jurisdictional boundaries of Organic California state?

11. Is the Case a criminal case (i.e. is there any possibility of any jail time or term of incarceration, imprisonment, and/or a criminal fine)?

12. Is the Case a civil or remedial case?

13. What is the complete name of the injured or damaged party in the Case, and state the amount of compensatory damage sought in lawful money; include damage estimates from two (2) sources, and state any amount being sought for punitive relief pursuant to the Case.

14. If either the organic united states of America or the UNITED STATES OF AMERICA is alleged to be a damaged or injured party in the above Case, give the name and address of one or more citizens of the above states who were injured.

15. Is the Plaintiff in the Case in a condition of bankruptcy? If so, what authority does the Plaintiff claim as a right to sue in Plaintiff's name as a principal?

16. Is the Plaintiff in the Case the principal party of interest, or is said proceedings being brought in the Plaintiff's name as an

agent for another principal? If so, what is the name of said principal party of interest?

17. Does the Plaintiff claim that the acts and actions set forth in the PLEADINGS were committed in the premises of the legislative venue and legislative jurisdiction of the UNITED STATES OF AMERICA (without the premises and venue and jurisdiction of the people of Organic California state)?

18. Does the Plaintiff claim that the "EASTERN DISTRICT OF CALIFORNIA", as such phrase is used in the PLEADINGS, is a Federal territorial district or "Territory or other Property belonging to the United States" as defined or used in Article IV., section. 3. of the Constitution for the United States of America and not the State defined as Organic California state?

19. What facts do the plaintiff rely upon in the PLEADINGS to claim that the Defendant acted in the "EASTERN DISTRICT OF CALIFORNIA"?

20. Is the Case being prosecuted by a public prosecutor under the general powers of an organic civil government, unfettered by legal disabilities including bankruptcy or military oversight or control, or by a common informer or other such private prosecutor?

21. If the above Case alleges a non criminal infraction, state the constitutional and statutory provisions that allow such Federal actions in Organic California state by the UNITED STATES OF AMERICA and state where the rules of quasi-criminal procedure may be found, and further state the complete names and addresses of all real parties of interest?

22. Is the tribunal a Judicial court of general jurisdiction having

judicial cognizance over the above Case by way of a judicial controversy?

23. Is the tribunal a legislative or executive court or tribunal of limited or special jurisdiction as it applies to the Above Case with an administrative controversy?

24. Is the tribunal one in which the Demandant has an unalienable right to a trial by jury in which the jury can judge both the facts and the law of the Case as in a common law venue and jurisdiction as acknowledged in the Sixth Amendment to the Constitution for the united States of America, 1791?

25. Is the tribunal one in which the Demandant has the right to a appear and defend in person and with private next friend counsel of his own choosing to help speak in His behalf without that next of friend having to be a member of a bar association as acknowledged in the Sixth Amendment to the Constitution for the united States of America, 1791?

26. Is the Above Case as it is set in the tribunal set as a proceeding in law, in equity, in admiralty, in a civilian military, or as an ecclesiastical proceeding, or as one based upon contract?

27. Is the tribunal subject to and under the military authority, jurisdiction, and venue of the President of the United States as commander and chief of the army as established in Article II, Section 2 of the Constitution for the united States of America?

28. Is the American Bar Association and the California Bar Association organized under the power and authority of the Crown of England? Do attorney's owe allegiance to the crown of England as titles of Nobility. Do attorney's have

titles nobility (i.e.,-Esquire)?

29. Is the American Bar Association and the California Bar Association operating as agents, assigns, employees, or officers of the Bank of England or any other bank, financial institution, or commercial process to collect a private debt for the creditors of the Plaintiff in bankruptcy under principals of international law as acknowledged by Congress in the Act of March 9, 1933, setting the United States citizens as enemies of the UNITED STATES or UNITED STATES OF AMERICA under international letters of Marque and Reprisals?

30. What facts are relied upon, if any, to assert that the Demandant is a citizen, state resident, juristic person, corporation, or other legal person belonging to the Plaintiff?

31. Are the charges in the Case mala in se crimes or mala. prohibita crimes?

32. Where does the Plaintiff get its legal and lawful authority to prosecute crimes in the premises of the venue and jurisdiction of the people of the Organic California state?

33. Did the alleged offense in the Case occur in a military, martial law, or admiralty venue or jurisdiction?

34. Did the alleged offense in the Case occur within a statutory (i.e. corporate State) venue or jurisdiction belonging to the Plaintiff, or within a common law (i.e. organic state) venue?

35. State all facts relied upon which put the Demandant in any venue other than one of common law?

36. Was the Demandant engaged in trade, traffic, commerce, or business for profit at the time of the alleged offense described in the Case, and if so alleged, state with particularity the description of the goods, cargo, freight, or passengers so engaged by the Demandant?

37. Was the Demandant a party to any contract, duty or obligation with the Plaintiff, and is this used as a foundation for the Case?

38. If the answer to question 37 is yes, state with particularity the nature and cause of said contract, duty, and obligation and the facts relied upon to establish said contract, duty, or obligation?

39. Does the tribunal in the above Case have power and authority to go to trial on any issues and to impose or levy fines, forfeitures, taxes, charges, court costs, or punitive damages without the Demandant's having pled to the above Case and having not granted consent?

40. Are any such fines, forfeitures, taxes, charges, court costs, or punitive damages in the above Case to be imposed in lawful money of the United States of America as defined by the original Coinage Act of 1789 and as required by Article 1, Section 10, Clause 1 of the Constitution for the united States of America?

41. Was there a charging Affidavit filed in the above Case to the tribunal by the Prosecutor?

42. If the answer to Question 41 was yes, what was the name and address of the person, Citizen, or official who signed the charging Affidavit in the above Case?

43. Is the charging Affidavit filed in the above Case based upon direct, personal, and first hand knowledge and observation or is the charging Affidavit merely upon information and belief?

44. Does the Affidavit apply to the acts and actions of the Demandant herein?

45. When and where was the charging Affidavit signed?

46. Who was the notary, clerk or other officer who administered the oath to the affiant in the signing of the jurat for the charging Affidavit?

47. When and where was the summons issued in the above Case and who was the judge or magistrate or clerk who signed said summons in the above Case?

48. When and where was the summons, with attached Affidavit, served and who was the officer who served such process on the Demandant in the above Case?

49. When and where was the INDICTMENT signed?

50. What is the name and title of the authorized prosecuting attorney who signed said INDICTMENT in the above Case?

51. Where does the UNITED STATES DISTRICT COURT get its legal and lawful authority and power to apply a criminal jurisdiction over the Demandant herein, when the Demandant is without the legislative venue of the UNITED STATES and within the premises of the people's venue of Organic California state (without the legislative venue/jurisdiction of the legislature of the STATE OF CALIFORNIA), without the Demandant's consent?

52. Does the tribunal and Plaintiff have authority to compel the Demandant into proceedings by way of the summons, charges, and or INDICTMENT, and to prejudice the rights of Demandant, if Demandant does not respond to the summons, charges, and or INDICTMENT without first being entitled to know the nature and cause of the proceedings?

53. What substance does the damaged party or Plaintiff have at risk in the Case?

54. Is the Internal Revenue Service an agency of the government for the united States of America?

55 If the answer to # 54 is yes, when was it delegated as such and where is it registered in the U.S. Code?

56. Does the Internal Revenue Service have delegation of authority to operate outside of the District of Columbia and its territories?

57. Is Title 26 U.S.C. positive law? If yes, when was it accepted by the Legislature and signed into law?

The foregoing demand for Bill of Particulars is not to be construed as discovery, a traverse into any issue(s), a general appearance, a waiver of any rights, or in any way a motion or joinder to the above Case or the tribunal, nor discovery to the merits of the above Case.

Failure by YOU to timely respond to the Demand for the Bill

of Particulars seasonably requested will be construed as an attempt by the Plaintiff to withhold full disclosure of the nature and cause of the accusation(s) purportedly brought in the above Case, and will make it impossible for the Demandant to meaningfully respond to, traverse to, or defend against any accusation(s) made, or process issued or caused to be issued by the Plaintiff.

Further, failure to provide a true sworn, accurate and complete Bill of Particulars forthwith shall be construed as a failure to prosecute, a request to dismiss, and constructive intent by the Prosecutor of the UNITED STATES OF AMERICA to enter a nolle prosequi by tacit procuration.

Signed this _____day in the year of Our Lord, Nineteen-hundred Ninety-seven at Modest, California republic.

_____
Leonard Lloyd, Morris,
Demandant

From: Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres, California
Postal zone: [95307]

RE: Case Number CRF-91-0212-DLB

To: Clerk of Court, Jack L. Wagner
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
U.S. Courthouse
1130 "O" Street
Fresno, California 93721

NOTICE OF SERVICE OF PRIVATE DEMAND

Notice is hereby given that Leonard Lloyd., Morris, has caused to be served a true, correct, and complete copy of Private Demand for Bill of Particulars on United States Attorney Charles J. Stevens, U.S. Courthouse, 1130 "O" Street, Fresno, California [93721] and Assistant U.S. Attorney Karen J. Kalmanir, U.S. Courthouse, 1130 "O" Street, Fresno, California [93721] on this_____ day of September, 1997, in Case Number CRF-91-0212-DLB in the

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA.

Leonard Lloyd., Morris

PROOF OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the original **Demand for Bill of Particulars with Affidavit of verification** has been served on this 24th day of September 1997, to the UNITED STATES ATTORNEY KAREN J. KALMANIR, PROSECUTOR, U.S. Courthouse, 1130 "O" Street, Fresno, California [93721], by mailing said Demand by first class united States Mail, Registered Mail R 459 811 566, postage prepaid. And that notice of said service was also made to the following person in his private capacity.

Dennis L. Beck
UNITED STATS DISTRICT COURT
1130 "O" Street
Fresno [93721]
California

Registered Mail No. R 459 811 567

Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres, California
Postal zone: [95307]

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA	)	Case No. CR-F-91-212 DLB
	)	
Plaintiff,	)	Fresno, California
	)	Friday, October 17, 1997
vs.	)	
	)	Probation violation hearing
LEONARD MORRIS,	)	
	)	
Defendant.	)	
	)	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE DENNIS L. BECK
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Plaintiff:

DAWRENCE RICE
Assistant U.S. Attorney
1130 "O" Street, Suite 3654
Fresno, CA 93721
(209) 498-7272

For Defendant:

LEONARD MORRIS, pro per
c/o 901 N. Carpenter Rd., No. 2
Modesto, CA 95358
(209) 522-1703

Court Recorder:

DOROTHY GIBSON
U.S. District Court
1130 "O" Street, Rm. 5000
Fresno, CA 93721

Transcription Service: V/ARS, Inc.
2001 H Street
Sacramento, CA 95814

Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

FRESNO, CALIFORNIA, FRIDAY, OCTOBER 17, 1997

THE CLERK: Going back to number 2 on the calender, CR-F-91-212-DLB, United States versus Leonard Morris; hearing on violation of probation.

MR. RICE: Dawrence Rice appearing for Karen Kalmanir, for the United States.

THE COURT: All right. Mr. Morris is present in court without counsel. Mr. Morris, there is another allegation of violation of probation.

MR. MORRIS: Mr. Beck, for the record, is the Court aware that there's been a bill of particulars served privately on the prosecutor --

THE COURT: Well, I --

MR. MORRIS: — and that the prosecutor has not answered that bill of particulars as yet?

THE COURT: I have several things that I see have been served. I know that there was something entitled a writ of error coram nobis that was filed --

MR. MORRIS: That's not in this case, is it? Does that goes to the --

THE COURT: I thought it was numbered in this case.

MR. MORRIS: Well, it is, but it wasn't for the violation of probation, specifically.

THE COURT: I'm sorry?

MR. MORRIS: That wasn't for the violation of probation.

THE COURT: Well --

MR. MORRIS: It goes back to the original case. So --

THE COURT: Well, logically, one would assume that if a conviction were overturned by the writ of error coram nobis that probation wouldn't be a problem, would it.

MR. MORRIS: That's true.

THE COURT: Okay.

MR. MORRIS: Right.

THE COURT: Well, that's the reason I mentioned it.

MR. MORRIS: Okay.

THE COURT: Judge Coyle is — has ruled — I don't know if

you've gotten that order yet, but he's dismissed that.

MR. MORRIS: Well, he –

THE COURT: Ruling that –

MR. MORRIS: — that's going for –

THE COURT: Let me –

MR. MORRIS: — judicial review right now, so.

THE COURT: Okay. Let me finish my sentence and then you can finish all yours, okay?

MR. MORRIS: Okay.

THE COURT: That Judge Coyle has ordered that dismissed, and so that's not an issue for this particular hearing, I don't think. And if you care to appeal it, you certainly may.

MR. MORRIS: Well, it's already going to judicial review, so.

THE COURT: Well, that's fine.

MR. MORRIS: Okay. Yeah.

THE COURT: That's certainly your right. There was also — we received filed here something called a — well, first, a private demand for a bill of particulars.

MR. MORRIS: Right, under it.

THE COURT: I think is what it was. And also —

MR. MORRIS: Rule 7(f).

THE COURT: — a — again, let me –

MR. MORRIS: Okay.

THE COURT: — you can add to this after I get done, but let me get done, okay? Then the record hopefully will have some sort of logical progression. The — we also received a notice of default, something entitled notice of default –

MR. MORRIS: Notice of fault, I believe, isn't it? Default hasn't been filed yet.

THE COURT: I'm sorry?

MR. MORRIS: I said notice of default hasn't been filed yet. That's notice of fault.

THE COURT: You're right. It is notice of fault.

MR. MORRIS: Right.

THE COURT: I am — I stand corrected. Timely private notice of condition of fault for failure to respond to demand for bill of particulars to

determine nunc pro tunc the nature and cause of the proceedings as it applies to the demandant, with affidavit in verification. I have that here. That was --

MR. MORRIS: Just served, right.

THE COURT: I beg your pardon?

MR. MORRIS: That was just served in the past couple of days. So right.

THE COURT: That was just served and I just received it yesterday, as a matter of fact.

MR. MORRIS: Yeah.

THE COURT: Or the clerk's office received it yesterday. I have reviewed it. I don't know what application — well, I know what application you think it might have in this matter, Mr. Morris, and I guess I should let you state that position, and I will in a second.

But first of all, let me do what I need to do under the procedures as I understand them, and then you can tell us how you understand the procedures and we'll try and sort that out, okay? All right. There's a notice of violation of probation, allegation of violation of probation filed with this Court, which charges that you violated the terms and conditions of your

probation by failing to file your 1996 federal taxes.

The petition alleges that you have submitted to the probation officer documentation of your — on your monthly report forms from January, '96, to December, '96, which show that you received the sum of $48,100 in total compensation from Crossroads Dental Limited Partnership during the 1996 calendar year, and that you failed to comply with Title 26 of the Internal Revenue Code, subtitle (f), Chapter 61, subchapter (a), part 2, subpart (b), Section 6012, which requires individuals to file federal tax returns if their gross income exceeds a basic standard deduction, $6,700, plus individual exemption of $2,550, or $5,100 if filing jointly.

The petition goes on to allege that your gross income clearly exceeded the minimum filing standard, that you failed to comply with the special condition of probation number 6, which states you should comply with the provisions of the Internal Revenue Code during the period of probation, provide the United States probation officer with proof of compliance.

Now, you are of course entitled to remain silent on the issue of whether or not you complied with the terms of probation. Anything you say

can and will be used against you. As I've told you many times before, you are entitled to be represented by an attorney at all proceedings before this Court.

If you cannot afford to hire an attorney you're entitled to have one appointed at no cost to you. You're entitled to a hearing where the government would have to show that there's probable — show that — government would have to prove you violated the terms and conditions of probation.

At that hearing you're entitled to see, hear and question the witness against you. You are, of course, entitled to be represented by an attorney. You're entitled to present evidence, but not required to present evidence, on the issue of whether or not you're in violation of the terms and conditions of probation.

You're entitled to use the process of the Court to summon witnesses by issuance of subpoenas, et cetera, and you are entitled to a continuance. In fact, there would be a continuance for a time to prepare for that hearing. Now, do you have any questions about any of the rights I've explained to you?

MR. MORRIS: Yes, I do.

THE COURT: Okay.

MR. MORRIS: First off, I'm not even sure I'M the person named in that summons, and that's why the bill of particulars. I think the bill of particulars has to be answered before I can answer any of the violation of probation.

THE COURT: Okay. And so do you admit of deny that you're in viola ion of probation?

MR. MORRIS: Do I have to answer that if I don't know if I'm the person that's --

THE COURT: Well, if you want to --

MR. MORRIS: — that's named in the summons?

THE COURT: Well, I wonder what the mystery is, Mr. Morris, since --

MR. MORRIS: Well, it seems to me that I'm having my right to know the nature and cause of the charges denied by making me plead to the violation of probation, which you're doing.

THE COURT: Well, I don't know what the mystery is about the

violation — about the notice of violation.

MR. MORRIS: Oh, I have lots of questions. I don't know --

THE COURT: I'm sorry?

MR. MORRIS: --what it's about. I have questions. I don't know what it's about. That's why I need to know the nature and the cause of the charges, so that I can prepare my answer to the violation of probation. It's also me Federal Rule of Criminal Procedure Rule 7(f) right to have that --

THE COURT: Well, yes.

MR. MORRIS: — information. So.

THE COURT: It is, and that's what — that's why the petition has been filed. And I don't --

MR. MORRIS: That petition needs to be answered, then, for me to know how to proceed with the answer to the violation of probation.

THE COURT: Well, I understand what your claim is in your demand, and frankly, these are the very same types of claims that were raised in the jury trial at which you sere convicted for failure to file. And after having a several - day jury trial, an appeal, various orders on probation, I can't fathom why it is that you think that --

MR. MORRIS: So that doesn't --

THE COURT: Mr. Morris, Mr. Morris, come on now. I can't fathom why it is you think that it's somehow unclear or that somehow you still don't have to file. Now --

MR. MORRIS: Okay. Well, that --- does that do away with my right , then, to know the nature and cause of these new charges?

THE COURT: No, Mr. Morris. I'm just saying that the nature of the charges in the petition and the allegation of the probation appear to me to be sufficient under the law to provide you notice of what they are. The various things that you have demanded here may well be something you want to present at the hearing in defense that you're not required to file because of various — your belief of the application of carious provisions of the Internal Revenue Code.

If you choose to present that as a defense, then you may. But this demand about your name and whether your name's appropriately there. This is the name you appeared on in this Court since 1993, the name that appears on all the charges, the name that you've been summoned under and appeared many times, the name that appeared on the file that went to the

appeal that you filed with the Ninth Circuit.

So it seems to me just a little bit silly to demand to know whether this is you and whether a name is. Certainly, you received the summons. You appeared in court. You've had contact with your probation officer many times, and I have no doubt that it's you, Mr. Morris. I recognize you.

MR. MORRIS: Well, you recognize Leonard Morris, but ---

THE COURT: I beg your pardon?

MR. MORRIS: Your recognize Leonard Morris, but as I have become to understand just recently, my true legal name is not Leonard Morris. It's Leonard Lloyd, Morris, both in upper and lower case letters.

THE COURT: Well, I'll note that you state for the record that your true name is Leonard Lloyd, Morris.

MR. MORRIS: In upper and lower case letters.

THE COURT: That's fine.

MR. MORRIS: Okay. But there's other issues involved in that bill of particulars going to jurisdiction, venue, relative action, cause of action.

THE COURT: Well, Mr. Morris, it seems to me that jurisdiction in this case has been well-established through the course of, as I said, the jury

trial, the appeal, the course of several years of probation, and I don't know what it is that you think isn't --

MR. MORRIS: Well, it seems to me it'd be easy to answer the bill of particulars, them, wouldn't it, and it hasn't been answered yet. And I can't proceed without knowing the --

THE COURT: Okay.

MR. MORRIS: ---the answers to the questions I've asked.

THE COURT: Well, here's what I'm going to. Here's what I'm going to do. I'm going to order that your denial of the petition be entered, and would you like counsel to represent you in this matter?

MR. MORRIS: No, I wouldn't

THE COURT: I'm sorry?

MR. MORRIS: No, I wouldn't

THE COURT: Okay. You're going to proceed representing yourself.

Mr. MORRIS: Right.

THE COURT: All right. And we've discussed many times the possible pitfalls of proceeding on you own, being that you wil be held to the

Rules of Evidence. You will be required to present your case under the Rules of Evidence, that there may be Rules of Evidence or rules of substantive law that you may be disadvantaged by proceeding on your own, you understand all that?

Mr. MORRIS: Yes.

THE COURT: All right. And you understand that as a possible consequence of being found in violation of probation that you could be ordered to serve on count one the remainder of the 12 months in custody that was imposed on you and suspended. By my calculations, 179 days were served and then there were an additional 10 weekends that were served.

And on count two you could be ordered to serve up to 12 months in the custody of the Bureau of Prisons, all of which was suspended during the period of probation. You understand that?

MR. MORRIS: Yes.

THE COURT: And that you could be ordered to serve — to pay a fine of — well, you've already paid the fine, so that wouldn't be in play. All right. You understand the possible consequences, then?

MR. MORRIS: Yes.

THE COURT: All right. And as I said, i'm going to order a denial entered on your behalf, and I'll set the matter for contested hearing where the government, of course, will bear the burden of demonstrating that you're in violation of probation.

And Mr. Morris, how much time would you like to prepare for that hearing?

MR. MORRIS: Can I reasonably expect an answer to the bill of particulars or not?

THE COURT: Well, I don't think you could expect one, but we could address that to the government. Mr. Rice, does the government intend to respond to the private demand bill of particulars or whatever that's called?

MR. RICE: No. I think the petition adequately sets forth the charges in this matter —

THE COURT: All right.

MR. RICE: — as well as identity. I think his conduct is contentious.

MR. MORRIS: Okay. Well, I'd request leave to enter this in the Circuit Court for — bring it up for —

THE COURT: Request leave to what?

MR. MORRIS: — request leave to enter this in the Circuit Court for judicial review on the bill of particulars.

THE COURT: I'm sorry. Give me that again. I didn't catch it all.

MR. MORRIS: That I request leave to enter this in the Circuit Court for a judicial review on the bill of particulars.

THE COURT: What do you mean, enter this in the Circuit Court?

MR. MORRIS: I'm going to file a judicial review for the bill of particulars. It hasn't been answered.

THE COURT: Well, let me tell you that my understanding of the procedure under the rules — the Appellate Rules — is that until you're found in violation of probation or not found in violation of probation, you wouldn't have the right to appeal this case piecemeal to either —

MR. MORRIS: I have an administrative right to the bill of particulars that is being denied. Therefore, it can be brought up on judicial review, and ir will be.

THE COURT: That's fine. And I'm just telling you that my understanding of the rules of appeal is that you don't have the right to appeal

it --

MR. MORRIS: This isn't an appeal. It's judicial review, and it's on the administrative level. And as I — my understanding , I have the right to do it.

THE COURT: It's an administrative right, so you're going to appeal where?

MR. MORRIS: The bill of particulars is — my administrative right is being denied. Therefore, I have a right to bring that before judicial review.

THE COURT: All right. Well, here's the thing. I'm going to order that your bill of particulars be denied on the grounds --

MR. MORRIS: And how do you have the authority to do that when it hasn't been entered in the —

THE COURT: Mr. Morris — Mr. Morris —

MR. MORRIS: — hasn't been entered in the case.

THE COURT: — just — I'm sorry?

MR. MORRIS: The bill of particular hasn't been entered in the case. It's been served privately on the prosecutor.

THE COURT: I see. So you're not requesting me to rule on it.

MR. MORRIS: No.

THE COURT: Okay.

MR. MORRIS: You haven't got the authority to rule on it.

THE COURT: So the bill of particulars doesn't have anything to do with this case.

MR. MORRIS: It does.

THE COURT: Then would you like it --

MR. MORRIS: The prosecutor doesn't have standing until they've answered the bill of particulars.

THE COURT: Okay. But you're not requesting the bill of particulars in this action. You're requesting that as a private matter between you and the U.S. attorney. Is that correct?

MR. MORRIS: I'm requesting that the bill of particulars be answered before I can proceed in this matter.

THE COURT: Well, I understand that. But it seems to me logically, for it to have any effect on these proceedings, that somehow you have to make the request in these proceedings. Otherwise, there's no

connection, Mr. Morris.

MR. MORRIS: Well, it is because it's my administrative right to know the nature and cause, and I cannot proceed until I know the nature of the cause and I don't know that until the bill of particulars has been answered.

THE COURT: Okay. But here's — let me ask you this question again, okay. Do you also want to make the request for a bill of particulars, in addition, in this case?

MR. MORRIS: It's not necessary —

THE COURT: I'm sorry?

MR. MORRIS: It's not necessary —

THE COURT: Okay.

MR. MORRIS: — once it's — once it's served on the –

THE COURT: So you don't want to do that.

MR. MORRIS: — the answer's served on the — once it's privately served on the prosecutor.

THE COURT: Okay. But you're requesting — I'm —

MR. MORRIS: It's — they'd have to — once it's privately served

on the prosecutor, it has to be answered before the case can proceed, is my understanding.

THE COURT: What do you base that understanding on?

MR. MORRIS: It's on administrative procedures, rules --

THE COURT: What administrative ---

MR. MORRIS: --- it's Federal Rule --- Criminal Rule 7(f).

THE COURT: Well, see, the Criminal Rule 7(f), the bill of particulars is usually filed in the case, and the Court rules on the issue of whether or not you're entitled to a further bill of particulars, and if so, which parts of it you're entitled to. But you're --

MR. MORRIS: I think that's pretty well-established in the bill of particulars I've entered in the case.

THE COURT: Well, see, but ---

MR. MORRIS: The law that goes with it. So.

THE COURT: --- here's the point, is generally speaking, the reason we have the judge do these things is because the parties aren't entitled to make up their own rules as you go along. And I'm not trying to --- believe me, now, in all seriousness, I'm not trying to trick you up in suggesting that

you might want to file this and have it ruled on in this case.

If it's not filed in this case, whatever you take, whatever happens in this case up, it's not going to be part of the record in this case. It won't have been ruled on. It won't have anything to do with the allegations on appeal if it's not part of the record. You understand that?

MR. MORRIS: Once the Court's been noticed of the bill of particulars, it's my understanding procedurally, you can't proceed until a bill of particulars have been answered.

THE COURT: So the Court is powerless to rule on whether or not -

MR. MORRIS: The —

THE COURT: — hold on. Let me finish my question before you answer. So the court, under your understanding, is powerless to rule on whether the bill of particulars is appropriate or necessary before it proceeds?

MR. MORRIS: No, I'm not saying that. I'm saying that the prosecutor cannot proceed in the case until they have answered the bill of particulars, which means the Court can't proceed at the same time. So.

THE COURT: Well, that's just what I said. I can't — we can't proceed until they answer it, and the Court cannot make a determination of

whether it's necessary or appropriate, because it's a private matter between you and the U.S. attorney. That's your understanding?

MR. MORRIS: That's my understanding.

THE COURT: Okay. Well, and again, I'm asking you that — telling you — that that's not my understanding; that if you want it to have something to do with these proceedings, the bill of particulars has to be filed in these proceedings or somehow related to these proceedings, and that you're specifically telling me you don't want to do that. Is that right?

MR. MORRIS: That's right, because —

THE COURT: Okay. That's okay.

MR. MORRIS: Okay.

THE COURT: That's — you do it the way you want. I'm just telling you what I think and I'm trying to keep from sandbagging you on this, and telling you that I think, in my opinion, it has to be filed in these proceedings in order to have the effect that you think it does.

MR. MORRIS: That's not my understanding, so.

THE COURT: That's fine.

MR. MORRIS: Yeah.

THE COURT: That's fine. And I may have — you know — I don't know. Maybe you have an advantage over me on this in your understanding of the criminal procedure, but I don't think so.

MR. MORRIS: Well, I just took —

THE COURT: So here we go.

MR. MORRIS: — just took a three-day seminar in this and that's what's was —

THE COURT: Okay. That's fine.

MR. MORRIS: So. Yeah.

THE COURT: That's fine. That's fine. I'm going to set this matter for hearing, contested hearing on the allegations of violation of probation on Friday, the 21st of November, at 9:00 o'clock. And Mr. Morris, you're ordered to appear at that date and time, okay?

And that's the date for the hearing on whether you're in violation of probation or not. And if at some point in time you want me to rule on the bill of particulars, then you're going to have to bring it before me. And you've told me —

MR. MORRIS: I'll bring it before — for judicial review. That'll

take care of it.

THE COURT: I'm sorry?

MR. MORRIS: I'll bring it before judicial review. So.

THE COURT: You're going to bring it before judicial review where?

MR. MORRIS: Circuit Court --

THE COURT: Knock yourself out, as they say. That's fine. If that's what you want to do, then take it there. But basically, you don't want me to make any decision on that.

MR. MORRIS: No.

THE COURT: Okay. And it's your position that even though it's not filed in this case, ti's not a request in this case, that the government cannot proceed on this probation violation unless and until they comply with every request you've made.

MR. MORRIS: Till I know the nature and cause in the questions that I've asked.

THE COURT: That wasn't my question.

MR. MORRIS: Well, I'm just stating, until I know the nature and

cause of the questions I've asked, I can't proceed.

THE COURT: Well, I think you know the nature and the cause. That's a different issue than whether or not they.ve answered all you questions.

MR. MORRIS: Well, the questions are to the nature and cause.

THE COURT: Reasonable minds could differ on that one, Mr. Morris. But the 21st of November, okay?

MR. MORRIS: I'll be here.

THE COURT: At 9:00 o'clock for contested hearing on violation of probation. Be ready to proceed at that pont in time. It at any point, Mr. Morris, you make the determination that you want to be represented by counsel, then you should certainly let us know, and if you're requesting appointment, let us know.

We'll try to do what we can. If there's some further — if you want this Court to — if you want to file the bill of particulars in the case between now and then, then you should let us know and do that. If you want to ----

MR. MORRIS: It's been --

THE COURT: — if you want a ruling on the bill of particulars

between now and then you should let us know and we'll put it on calendar and do that. Otherwise, we will see you on the 21st of November at 9:00 o'clock for contested hearing. All right? Thank you.

(Whereupon, the proceedings in the above-entitled cause were concluded,)

--oOo--

CERTIFICATE

I certify that the foregoing is a correct transcript, from the electronic sound recording of proceedings in the above-entitled matter.

_____ October 28, 1997

Elizabeth Reid, Transcriber

UNITED STATES DISTRICT COURT
Eastern District of California

UNITED STATES OF AMERICA	)	Docket No. CR-F-91-212
	)	
vs	)	Magistrate: Dennis L. Beck
	)	
	)	Notice of "Refusal" for
Leonard Morris	)	Fraud: SUMMONS RE:
	)	VIOLATION OF
	)	SUPERVISED RELEASE
	)	VIOLATION OF
	)	PROBATION
	)	

"NOTICE OF REFUSAL" FOR FRAUD:

state of California)
)ss
County of Stanislaus)

COMES NOW, Leonard Lloyd, Morris, in the above titled action, being first duly sworn, having first hand knowledge of the facts herein, and being competent to testify, do affirm that the facts herein are stated under penalties of perjury under the laws of the United States of America.

Leonard Lloyd, Morris, states the following:

1. On or about September 24th, the above titled documents were

served on Leonard Lloyd, Morris but were addressed to a Leonard Morris, constituting an intentional fictitious named person.

Fictitious name: A counterfeit, alias, feigned, or pretended name taken by a person, differing in some essential particular from his true name (consisting of Christian name and patronymic), with the implication that it is meant to deceive or mislead. ***Black's Law Dictionary 6th.***

Fictitious: Founded on a fiction, having the character of a fiction, pretended, counterfeit. Feigned, imaginary, not real, false, not genuine, nonexistent. Arbitrarily invented and set up, to accomplish an ulterior object. ***Black's Law Dictionary 6th.***

2. Leonard Lloyd, Morris is in receipt of the above mentioned documents but is herein giving notice of not accepting said documents and is hereby returning said presentments as Fraud.

3. The above mentioned presentments, hereinafter "Fraud", are Refused for "Fraud" pursuant to ***F.R.C.P. 9(b),*** and ***F.R.C.P. 12(b)(2)*** as it lacks subject matter jurisdiction over Leonard Lloyd, Morris, and ***Rule 12(b)(6),*** as it fails to state a claim upon which the court can legally enter judgment on a "Fraud" in case Number CR-F-91-212-DLB.

This refusal is made in good faith and with no bad faith to the Plaintiff or to the Court.

Once a fraud, always a fraud, Leonard Lloyd, Morris will not traverse to give Plaintiff's above mentioned presentments credibility and therefore returns the above mentioned presentments.

Leonard Lloyd, Morris, in the above captioned case gives "Notice of Refusal".

Wherein this Court, for the forgoing reasons, is asked to take judicial notice pursuant to Federal Civil Rule 201(d) of the Federal Rules of Civil Procedure and to take action in the proper manner and order the Plaintiff to file presentments properly and procedurally correct, and to recognize the Plaintiff's presentments, as fraud, therefore void.

Dated October 29, 1997

Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres
California republic

Subscribed and sworn before me, a Notary public, on October 29, 1997, Leonard Lloyd, Morris.

Barbara Eileen, Isom, Notary

CERTIFICATE OF SERVICE

Case Number CR-F-91-212-DLB

I, Leonard Lloyd, Morris, the undersigned, am of legal age and competent to serve papers, states that a true, correct and complete copy of the "Refusal" was placed in a postage paid envelope , certified with return receipt, and placed said envelope in the US Mail addressed to the following:

Magistrate: Dennis L. Beck
U.S. Courthouse
1130 "O" Street
Fresno, California [93721]
Certified Mail # P 419 437 176

Clerk, U.S. DISTRICT COURT
U.S. Courthouse
1130 "O" Street
Fresno, California [93721]
Certified Mail # P 419 437 177

Karen J. Kalmanir
Assistant U.S. Attorney
U.S. Courthouse
1130 "O" Street
Fresno, California [93721]
Certified Mail # P 419 437 178

Kevin J. Crawford
U.S. Probation Officer
1700 Standiford Ave.
Suite A-220
Modesto, California [95350]
Certified Mail # P 419 437 179

Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres
California republic

SUMMONS IN A CRIMINAL CASE

UNITED STATES OF AMERICA	Docket Number CR-F-91-212-DLB
vs	Magistrate Case Number
Leonard Morris	Name and Address of Defendant Leonard Morris 2429 Condit Ct. Ceres, Ca. 95307

YOU ARE HEREBY SUMMONED to appear before the [] US District Court or [x] US Magistrate at the time, date and place set forth below. DEFENDANT IS ORDERED TO REPORT TO THE US MARSHAL, ROOM 4210, ONE HALF HOUR BEFORE COURT, TO BE PROCESSED.

1130 O Street Fresno, CA 93721	DUTY MAGISTRATE THIRD FLOOR Date and Time October 17, 1997 10:30 am

To answer a criminal

[] INDICTMENT [] INFORMATION [] COMPLAINT

[X] VIOLATION NOTICE

Charging you with a violation of United States Code Title

18:3148 AND 18:3606

Description of Offense

VIOLATION OF SUPERVISED RELEASE AND VIOLATION OF PROBATION

US Magistrate or Clerk of Court

JACK L. WAGNER September 12, 1997

Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres
CALIFORNIA

Demandant's Private Case Number 970915-PBP

TO:

CHARLES J. STEVENS
United States Attorney, Prosecutor
U.S. Courthouse
1130 "O" Street
Fresno, [93721]
CALIFORNIA

and:

KAREN J. KALMANIR
Assistant U.S. Attorney
U.S. Courthouse
1130 "O" Street
Fresno, [93721]
CALIFORNIA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	**Case Number CR-F-91-212-**
Plaintiff,	)	**DLB**
	)	
vs.	)	

LEONARD MORRIS; aka Leonard Morris

NOTICE OF DEFAULT
Timely Private Notice of Condition of Default
for failure to respond to
Demand for Bill of Particulars
to determine Nunc Pro Tunc
the Nature and Cause of the Proceedings
as it applies to Demandant
with Affidavit in Verification

Take notice that Leonard Lloyd, Morris, (hereinafter "Demandant"), appearing privately, specially, and not generally in regard to Case Number CR-F-91-212-DLB filed in the UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA (hereinafter referred to as "***Above Case***" or the COURT), and demanding all Demandant's rights at all times, and waiving no right at any time, does hereby give this timely ***Notice of Default*** to Charles J. Stevens, U.S. Attorney and Prosecutor (hereinafter referred to as "YOU" and "YOUR"), and YOUR agents and principals that a **Condition of Default** (hereinafter ***"Default"***) exists for YOUR failure to respond as to that certain **Demand for Bill of Particulars** (hereinafter "***Demand***") which was lawfully served upon YOU, and Notice of which was filed in the ***Above Case***.

FACTS

1. Demandant privately served upon YOU a true, correct, and complete copy of:

Timely Private Demand for Bill of Particulars

to determine Nunc Pro Tunc

the Nature and Cause of the Proceedings

as it applies to Me

with Affidavit in Verification

(hereinafter referred to as "Demand") on or about the 25th of September in the Year of True God, Nineteen-hundred Ninety-seven [September 25, 1997]

2. Notice of the ***Demand*** was filed in the ***Above Case*** on or about September 25th in the Year of True God, Nineteen-hundred Ninety-seven [September 25, 1997].

3. YOU were granted ten (10) days to respond to the ***Demand*** or request in writing an extension of time for good cause shown to respond.

4. There has been no response from YOU swerved upon Demandant to the ***Demand.***

5 The period of ten days allowed for a response expired on the 6th day of October in the Year of True God, Nineteen-hundred Ninety-seven [October 6, 1997].

6. An additional period of time in excess of over eight (8) days having expired there had been no response by YOU to the ***Demand*** served upon the Demandant.

7. Demandant privately served upon YOU a true, correct, and complete copy of:

Notice of Fault
Timely Private Notice of Condition of Fault
for failure to respond to
Demand for Bill of Particulars
to determine Nunc Pro Tunc
the Nature and Cause of the Proceedings
as it applies to Demandant
with Affidavit in Verification

(hereinafter referred to as ***"Notice of Fault"***) on or about 14th day of October in the Year of Our True God, Nineteen-hundred Ninety-seven [October 14, 1997].

8. In the ***Notice of Fault***, YOU were given notice and granted three (3) days to respond to the ***Demand*** and the ***Notice of Fault*** in writing and by affidavit, true, correct, and complete, in order to purge the ***Condition of Fault***

9. The three day period allowed for a response by YOU to the ***Notice of Fault*** expired on the 21st day of October in the Year of True God, Nineteen-hundred Ninety-seven [October 21, 1997]

10. There has been no response by YOU served upon Demandant to the ***Demand*** or the ***Notice of Fault***.

As a direct proximate result of YOUR failure to respond to the ***Demand*** and the ***Notice of Fault***, a ***Condition of Default*** is hereby declared against YOU and YOUR principals..

YOU have failed to respond by either answering the ***Demand*** or ***Notice of Fault*** in the ***Above Case*** or by providing a written request for an extension of time to do the same. YOU have a known fiduciary duty under the law, rules, and statutes under which YOU obtain YOUR authority to act as an officer of the ***COURT*** in the ***Above case***. YOUR duties to prosecute the ***Above case*** also require YOU to prosecute the ***Above case*** with honesty, integrity, fair play, due process of law, and equal protection of law. YOU are not entitled to deny Demandant herein His right to due process of law and equal protection of the law. YOU are not entitled to deny Demandant His right to dilatory pleas and pleas in bar nor His right to affirmative defenses and counterclaims that can only be entered upon an actual controversy created by YOUR answer to Demandant's ***Demand***. YOUR failure to respond to Demandant's ***Demand*** has created a prejudice against the Demandant in the ***Above case*** in denying Demandant His remedies and defenses therein.

By YOUR actions of denying Demandant His rights of due process of law and equal protection of law, and by not responding to the ***Demand***, the ***Condition of Fault*** and the ***Condition of Default***, YOU and YOUR principal have established a constructive trust with YOURSELF and YOUR principals as the trustees and Demandant's properties (liberties and rights) as the res of the constructive trust, without Demandant's consent. Under YOUR assumed role and title as a trustee to the constructive trust, YOU have a fiduciary duty to protect the rights of the beneficiary-Demandant. YOUR failure to respond to Demandant's ***Demand***, the ***Condition of Fault*** and the ***Condition of Default***, is a breach of that fiduciary duty and shows bad faith by YOU to YOUR fiduciary duty.

Demandant has no ability to obtain a remedy in the ***Above Case*** upon Plaintiff's pleadings. Demandant has not been given due process of law in the ***Above Case*** without YOU providing the answers to questions set forth on the nature and cause of any and all proceedings in the ***Above Case***.

Condition of Default

Be it now established and Noticed that YOU have failed to respond to My ***Demand*** and ***Notice of Fault***. This is a ***Notice of Default*** to the duty that YOU had to respond to the ***Demand***. Fault is defined to be:

"Negligence; an error or defect of judgment or of conduct; any deviation

from prudence, duty, or rectitude; any shortcoming, or neglect of care or performance resulting form inattention, incapacity, or perversity; a wrong tendency, course, or act; bad faith or mismanagement; neglect of duty. The word connotes an act to which blame, censure, impropriety, shortcoming or culpability attaches." The word Default means: "By its derivation, a failure. An omission of that which ought to be done. Specifically, the omission or failure to perform a legal or contractual duty; to observe a promise or discharge an obligation; or to perform an agreement." The agreement or contractual duty and obligation is the performance of YOUR obligations set forth under YOUR oath of office and YOUR duty to conduct YOUR actions so that they do not violate established limitations set forth upon YOUR actions by the Constitution of the United States of America. I do not have Constitutional rights. I am not a member of government. YOU have Constitutional limitations in which YOU have exceeded YOUR venue, jurisdiction, and authority to act under law when YOU deny My due process of law and equal protection of law.

Notice is given that YOUR ***Condition of Default*** has given rise to "bad faith" on YOUR part. "Bad faith" is defined to be: "The opposite of good 'faith', generally implying or involving ***actual or constructive fraud***, or a design to ***mislead or deceive another***, or a neglect or refusal to fulfill some duty or some contractual obligation, not prompted by an honest

mistake as to one's rights or duties, but by some interest or sinister motive. Term 'bad faith' is not simply bad judgment or negligence, but rather it implies the conscious doing of a wrong because of dishonest purpose or moral obliquity; it is different from the negative idea of negligence in that if contemplates a state of mind affirmatively operating with furtive design or ill will." In short sir, YOU are in breach of YOUR fiduciary duty. YOU have stolen my rights by willing, knowing, purposeful design, and not by any act within the jurisdiction and venue of YOUR authority. YOU have become an outlaw. YOU are acting under malice and wanton disregard for My rights in a known and wilful violations of YOUR fiduciary duty to Me. YOU are acting in concert with other persons to deny Me of My unalienable rights in violation of Title 42 United States Code (hereinafter USC) section 1985. YOU have knowledge of said violations under Title 42 USC section 1986 and YOU have failed to correct YOUR acts and actions as they relate to Demandant herein. My Right of Action is suit for breach of fiduciary by YOU , and the cause of action is YOUR failure to provide due process of law and equal protections of law by a compelled ***Above case*** upon without My consent and by YOUR failure to respond to the ***Demand*** or to discharge Me from the proceedings. The proper venue will be a United States Judicial proceeding in the Ninth Circuit Court. The Jurisdiction will be an original action in the Ninth Circuit Court for judicial review since Demandant has

exhausted His remedies in these administrative tribunals.

This instrument is notice to YOU that YOU and YOUR principals have placed YOURSELF in consent and agreement to the facts contained in the ***Notice of Fault*** and ***Notice of Default*** as the stipulated ultimate facts to any controversy between the Demandant and YOU. This was a condition accepted by YOU as to YOUR failure to respond to the ***Demand*** and the ***Notice of Fault*** and ***Notice of Default***.

Definitions

The following definitions apply to the stipulations of Facts contained herein.

1. The word "SUMMONS" means the SUMMONS filed in Case Number CR-F-91-212-DLB in the UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA.

2. The word "PLEADINGS" means the SUMMONS as described in 1 above.

3. The word "tribunal" means the "UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA" and any of the proceedings held therein as it applies to Case Number CR-F-91-212-DLB under the style of UNITED STATES OF AMERICA, Plaintiff, vs. LEONARD MORRIS, a/k/a LEONARD LLOYD MORRIS, Leonard Morris, Defendant.

4. The words "case", "action", or "proceedings" means the action or proceedings brought in the tribunal by the SUMMONS in Case Number CR-F-91-212-DLB.

5. The word "Demandant" means "Leonard Lloyd, Morris".

6. The word "Plaintiff" means "UNITED STATES" and/or "UNITED STATES OF AMERICA", its counsel, agents, assigns, successors, principals, and predecessors in the action.

7. The word "Defendant" means "LEONARD MORRIS", or "LEONARD LLOYD MORRIS", "Leonard Morris", a/k/a "LEONARD L. MORRIS or Leonard L. Morris".

8. The term "Nature and Cause" means the right to know the venue, jurisdiction, parties of interest, right of action, and cause of action, and cause of action upon which the action is based.

9. The term "people of California" means those people dwelling in the organic California as a Republic as set forth in the Constitution of California, (without the legislative jurisdiction of the STATE OF CALIFORNIA and without the legislative jurisdiction of the UNITED STATES) who possess unalienable rights from Nature's law and Nature's God, which rights are not liened or diminished by any legal impediment (such as by the bankruptcy of the United States as declared in March , 1933).

10. The term "Organic California state" means the lawful dejure state defined in the Constitution of California, without the legislative jurisdiction/venue of the Legislature of California and the Legislature of the UNITED STATES, and having the meets and bounds description belonging to California as a lawful state under international law proclaimed by the inhabitants therein.

Notice of Your Stipulations Pursuant to the Condition of Fault and Default:

Notice is hereby given that YOU have stipulated, consented, and agreed to the following stipulations of fact between Demandant and YOU

and YOUR principals as regards the ***Above case***

1. The true and correct Christian Appellation or proper name of the Demandant is "Leonard Lloyd, Morris".
2. The true and correct spelling of the Defendant's appellation in the SUMMONS is "Leonard Morris", or "LEONARD MORRIS", or "Leonard L. Morris", or "LEONARD L. MORRIS", "LEONARD LLOYD MORRIS, a/k/a LEONARD LLOYD MORRIS".
3. The Plaintiff stipulates that the Demandant and the Defendant are **not** the same person.
4. Plaintiff has no evidence that Demandant and Defendant are the same person.
5. Plaintiff does not claim that the Demandant is juristic (legal) or statutory person who spells Demandant's name in all capitol letters.
6. Plaintiff stipulates that the Demandant is a normal person and a lawful inhabitant of the premises of the jurisdictional venue of the Organic California state known as the California Republic.
7. Plaintiff stipulates that there are no facts to support any assertion that the Demandant is an artificial, juristic, or statutory person.
8. Plaintiff stipulates that the SUMMONS in the ***Above Case*** are not brought in the appellation of the Demandant.

9. Plaintiff stipulates that the Demandant is not a real party of interest to the proceedings in the ***Above Case***, and that the Demandant has been mistakenly held in violation of probation in the ***Above Case*** and should be discharged from the ***Above Case***.

10. The Plaintiff stipulates that all further issues raised by the Demandant in the Demand are irrelevant and immaterial in that Demandant is not a party to the proceedings in the ***Above Case***.

Notice of nonacceptance and use of Appellation

The Demandant does not grant the COURT nor YOU the use of Demandant's Christian Appellation for any purpose or any consent into any venue or jurisdiction, nor consent to the proceedings in the ***Above Case*** except as a means to protect Demandant's unalienable rights in the premises of the people's venue/jurisdiction of California state (organic), the Republic. The

Demandant makes these timely demands solely of necessity, under threat, duress, and coercion, in that Demandant has been charged and held in violation of probation as a direct result of process issued out of the ***Above Case***.

This ***Notice of Default*** is deemed as an exhaustion of Demandant's administrative procedures and remedies in the ***Above case***. YOUR participation in the proceedings in the ***Above case*** as it applies to Me on the 21st of October, in the Year of True God, Nineteen-hundred Ninety-seven [October 21, 1997] is evidence of bad faith on YOUR part and by the UNITED STATES OF AMERICA and its agents, assigns, principals, and counsel as to breach of YOUR fiduciary duties as it applies to Me.

The principal of "Notice to the agent is notice to the principal" applies to this ***Notice of Default***. This ***Notice of Default*** also applies to any successors or assigns in the Above Case, including the magistrate or judge that may attempt to proceed without due precess of law.

Signed this twenty first day of October of the Year of Our True God, Nineteen-hundred Ninety-seven (October 21, 1997) at Modesto, California republic.

_____

Leonard Lloyd, Morris, Demandant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the original **Notice of Default-Timely Private Notice of Condition of Default for failure to respond to Demand for Bill of Particulars to determine Nunc Pro Tunc the Nature and Cause of the Proceedings as it applies to Demandant with Affidavit of Verification** has been served on this twenty first day of October 1997, to the UNITED STATES PROSECUTOR, Charles J. Stevens, United States Attorney, 1130 "O" Street, Fresno, California [93721]; and to Karen J. Kalmanir, Assistant U.S. Attorney, 1130 "O" Street, Fresno, California [93721], by mailing said Demand by first class united States mail, registered Mail No. R 459 811 709, postage prepaid. And that notice of said service was also made to the following persons in their private capacity:

Magistrate: Dennis L. Beck
UNITED STATES DISTRICT COURT
U.S. Courthouse
1130 "O" Street
Fresno, California [93721]

Registered Mail No. R 459 811 710

Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres, California state
Postal zone: [95307]

VERIFICATION OF NOTICE OF DEFAULT

BE IF KNOWN THAT I, Leonard Lloyd, Morris, hereinafter referred to as Affiant, do declare under the penalty of perjury, under the laws of the United States of America (without the venue of the UNITED STATES) that the following is true, correct, and complete, and not misleading:

1. That Your Affiant is of legal age and competent to testify.

2. That Your affiant has first hand knowledge of the facts stated herein.

3. That Affiant has read and signed the foregoing and attached Notice of Default with regard to Case Number CR-F-91-212-DLB filed in the UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA (hereinafter "CASE" or "COURT") and whether Your Affiant is named as a party therein.

4. The Plaintiff has not served any response upon Affiant with regard to that certain Demand for Bill of Particulars (hereinafter "Demand"), dated on or about the 25th of September, 1997, that was lawfully served upon Charles J. Stevens, United States Attorney, Prosecutor, and upon which notice was given to the COURT.

5. The Notice of Default is not interposed for purposes of delay.

6. The Notice of Default will not prejudice the Plaintiff in the CASE.

7. Your Affiant has not entered any pleadings into CASE and has not joined into any merits of the Plaintiff's pleadings therein.

Further Affiant saith naught.

Signed this 21st day of October, 1997, at Modesto, California republic

_____.

Leonard Lloyd, Morris

From: Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres
CALIFORNIA

RE: Case Number CR-F-91-212-DLB

To: Clerk of Court
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
U.S. Courthouse
1130 "O" Street
Fresno
CALIFORNIA

NOTICE OF SERVICE OF NOTICE OF DEFAULT

Notice is hereby given that Leonard Lloyd, Morris, has caused to be served a true, correct, and complete copy of a **Notice of Default** on Prosecutor Charles J. Stevens, United States Attorney, 1130 "O" Street, Fresno, CALIFORNIA and Assistant Prosecutor Karen J. Kalmanir, Assistant U.S. Attorney, 1130 "O" Street, Fresno, CALIFORNIA on this 21st day of October, 1997, in case number CR-F-91-212-DLB in the UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA.

_____
Leonard Lloyd, Morris

Respond to:
Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres, California state
Postal zone: [95307]

united States Court of Appeals

For the Ninth Circuit

San Francisco, California state

Leonard Lloyd, Morris; Citizen in Party	)	[Judicial Original Action for Judicial Review DeNovo of Administrative Action in Federal District Court]
-v-	)	
Charles J. Stevens U.S. Attorney	)	CA No. 97-80611
Karen J. Kalmanir Assistant U.S. Attorney	)	Notice of "Refusal": Conversion from Judicial Review to Petition for Writ of Mandamus and/or Prohibition by Ninth Circuit without Authorization or Judicial Authority
Magistrate: Dennis L. Beck	)	
United States District Court Eastern District of California	)	Jury Trial Demanded Within

This refusal is in relation to the Ninth Circuits unthorized conversion of Moving party's filing for Judicial Review under 5 USC section 701-706 to Petition for Mandamus and /or Prohibition which fell under 28 USC 1651 etc.

"NOTICE OF REFUSAL" FOR FRAUD:

State of California)
)ss
Stanislaus County)

Citizen in Party, Leonard Lloyd, Morris, in the above titled action, being first duly sworn, having first hand knowledge of the facts herein, and being competent to testify, do affirm that the facts herein are stated under penalties of perjury under the laws of the United States of America.

Citizen in Party states that this Court has jurisdiction to make a judicial review of the administrative proceedings within Respondent Court in that Movant has exhausted his administrative remedies, has no remedy by way of appeal and does not understand the nature and cause of the agency in the Respondent Court, this Court further, has power and authority to effect a remedy and has been mandated by Congress to make said judicial review and Title 5 USC section 706 has been given a scope of review to effect a remedy.

Judicial review is a normal action in law and is necessary in the course of law to affect all administrative remedies before asking for an extraordinary action in law such as a Writ of Mandamus, etc., hence a petition for writ of mandamus and/or prohibition is procedurally incorrect at this time.

Citizen in Party filed his Judicial Original Action for Judicial Review DeNovo of Administrative Action in Federal District Court with the Clerk for the Ninth Circuit Court, which was accepted as such. 100.00

FRNs were paid by Movant, for judicial review, and accepted by clerk as docketing fees for judicial review, as evidenced by receipt # 33985, hence the contract Movant has with the Ninth Circuit Court is for judicial review under the jurisdiction of 5 USC section 706.

Citizen in Party filed his judicial review in his Christian Appellation and the contract was accepted with the Clerk of Court for the Ninth Circuit Court as such and Movant has not given consent to the Court to use any other name or spelling of name [i.e. in all capitol letters] of Citizen in Party in any way connected to the above titled case. The use of Movant's name in all capitol letters can only be construed as an attempt by the Ninth Circuit Court to convert Movant to a fictitious enity which would be a breach of contract by the Ninth Circuit Court.

For the foregoing reasons Citizen in Party refuses the Ninth Circuit Court's assignment of case number 97-80611 into a Petition for writ of Mandamus and/or Prohibition as Fraud.

Wherein this Court, for the forgoing reasons, is asked to take judicial notice pursuant to Federal Civil Rule 201(d) of the Federal Rules of Civil Procedure and to take action in the proper manner and accept case number 97-80611 as an action in judicial review as mandated by the Congress of the united States of America as outlined under 5 USC section 706.

Dated November 18, 1997

Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres, California state
Postal zone: [95307]

Subscribed and sworn before me, a Notary Public, on November 18, 1997, Leonard Lloyd, Morris

Barbara Eileen, Isom, Notary

CERTIFICATE OF SERVICE

I, the above signed, being of age and competent to serve papers, did place in a postage paid envelope the Notice of Refusal to the Clerk of Court, Ninth Circuit, and placed said envelope in the US Mail, certified return receipt, to the following address:

Clerk of Court, united States Court of Appeals
For the Ninth Circuit
P.O. Box 193939
San Francisco, California state
Postal zone: [94119-3939]
Certified Mail # P 419 437 165

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
95 SEVENTH STREET, P.O. BOX 193939
SAN FRANCISCO, CA 94119-3939

November 12, 1997

CA No. 97-80611 Morris v. USDC-CEF
USDC-CR-F-91-212-DLB

A petition for writ of mandamus and/or prohibition has bee received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit.

The U.S. Court of Appeals docket number shown above has been assigned to this case. You must indicate this Court of Appeals docket number when corresponding to this office relative to your case.

Pursuant to Rule 21 (b), FRAP, no answer to a petition for writ of mandamus and/or prohibition may be filed unless ordered by the court. If such an order is issued, the answer shall be filed by the respondents within the time fixed by the Court.

A copy of the docket sheet case title page is attached. Please take special note of the case caption, as it may differ from that shown on the papers submitted for filing. Pursuant to Circuit Rule 21-2, an application for writ of mandamus and/or prohibition shall not bear the name of the district court judge concerned. Rather, the appropriate district court shall be named as respondent.

Very truly yours,

Cathy A. Catterson
Clerk of Court

By: Cyntharee Powells
Deputy Clerk

INTERNAL USE ONLY: Proceedings include all events.
97-80611 Morris, et al v. USDC-CEF

LEONARD LLOYD, MORRIS

Petitioner

v.

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA;

Respondent

UNITED STATES OF AMERICA

Real Party in Interest

ORIGINAL

33985

RECEIPT FOR PAYMENT
— UNITED STATES COURT OF APPEALS —
for the
NINTH CIRCUIT

at _____

RECEIVED FROM

Leonard Morris
2429 Condit Ct
Ceres, CA 95307
(209) 537-6781

		ACCOUNT	AMOUNT	
	GENERAL AND SPECIAL FUND			
086900	Docketing Fees		100	00
322340	Sales of Publications & Opinions			
322350	Copy Fees			
322360	Miscellaneous (include certification fee)			
		TOTAL	100	00

Case Number or Other Reference

Judicial Review

U.S GOVERNMENT PRINTING OFFICE 1996 785 536

All checks, money orders, drafts, etc. are accepted subject to collection. Full credit will not be given until the negotiable instrument has been accepted by the financial institution on which it was drawn.

DATE	Cash	Check	M.O.	Credit	DEPUTY CLERK
11/7 19 97	✓				

BEST AVAILABLE COPY

Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres, California state
Postal zone: [95307]
Non-Domestic
(209) 522-1703

united States Court of Appeals

For the Ninth Circuit

San Francisco, California state

Leonard Lloyd, Morris, Citizen in Party	)	[Judicial Original Action for Judicial Review DeNovo of Administrative Action in the Federal District Court Eastern District of California]
-v-	)	
	)	CA No. 97-80611
Charles J. Stevens	)	
	)	Notice of "Refusal": ORDER
Karen J. Kalmanir	)	DENYING CITIZEN IN PARTY'S
	)	REQUEST FOR "JUDICIAL
Magistrate: Dennis L. Beck	)	ORIGINAL ACTION FOR JUDICIAL
	)	REVIEW"
United States District Court	)	
Eastern District of California	)	
Respondents.	)	

"NOTICE OF REFUSAL" FOR FRAUD:

California state)
)ss
Stanislaus County)

Citizen in Party, Leonard Lloyd, Morris, in the above titled action, being first duly sworn, having first hand knowledge of the facts herein, and being competent to testify, do affirm that the facts herein are stated under penalties of perjury under the laws of the United States of America.

Citizen in Party states that this Court has jurisdiction to make a judicial review of the administrative proceedings within the Respondent Court in that Movant has exhausted his administrative remedies and is being denied his right to due process of law, has no remedy by way of appeal and does not understand the nature and cause of the agency in the Respondent Court, this Court further, has power and authority to effect a remedy and has been mandated by Congress to make said judicial review and Title 5 USC section 706 has been given a scope of review to effect a remedy.

Judicial review is a normal action in law and is necessary in the course of law to effect all administrative remedies before asking for any extraordinary action in law.

Citizen in Party filed his Judicial Original Action for Judicial Review DeNovo of administrative Action in Federal District Court Eastern District of California with the Clerk for the Ninth Circuit Court, which was accepted as such. 100.00 FRNs were paid by Citizen in Party, for judicial review, and accepted by the Clerk as docketing fees for judicial review, as evidenced by receipt # 33985, hence the contract Citizen in Party has with

the Ninth Circuit Court of Appeals is for judicial review under the jurisdiction of 5 USC section 706.

Citizen in Party filed for Judicial Original Action for Judicial Review DeNovo of administrative action in federal District Court Eastern District of California in his Christian Appellation and as such the Ninth Circuit Court of Appeals does not have contractual authorization from Citizen in Party to change his name from his Christian Appellation to the that of a nom de gurre in all capitol letters with the intent to create a fictitious name or person LEONARD LLOYD, MORRIS.

Fictitious name: A counterfeit, alias, feigned, or pretended name taken by a person, differing in some essential particular from his true name (consisting of Christian name and patronymic), with the implication that it is meant to deceive or mislead. ***Black's Law Dictionary 6th.***

Fictitious: Founded on a fiction, having the character of a fiction, pretended, counterfeit. Feigned, imaginary, not real, false, not genuine, nonexistent. Arbitrarily invented and set up, to accomplish an ulterior object. ***Black's Law Dictionary 6th.***

Surname: "The family name, the name over and above the Christian name. The part of a name which is not given in baptism. The name of a person which is derived from the common name of his parents. ***Black's Law Dictionary 6th.***

Proper name: ...designating a noun that names a specific individual, place, etc., that is not normally used with an article, and that is normally capitalized ["Donald," "Rover," and "Boston," are proper nouns, sometimes called proper names] (Opposed to COMMON.)"

Misnomer: ... is giving incorrect name to person in accusation, indictment, pleading, or other instrument. ***Culpepper v State, 161 S.E. 623, 173 Ga. 799.*** "Misnomer is a good plea in *abatement*, for since names are the marks and *indica* which human kind can understand each other by, if the name be omitted or mistaken, there is a complaint against nobody." ***A New Abridgement of the Law, Vol. IV, by Matthew Bacon Esq., 1832, at page 7.*** "If the Christian name be wholly mistaken, this is regularly fatal to all legal instruments..."[in pertinent part]. ***A New Abridgement of the Law, Matthew Bacon Esq., Vol. VII, 1846, Misnomer and addition, Pg 7.***

Fiction of law: By a "fiction of law" something known to be false is assumed to be true, ***Ryan v Jointer Credit Co., 23 A2d 607, 621, 130 S.J.Eq. 531.*** A "fiction of law" is an assumption or supposition of law that something which is or may be false is true, or that a state of facts exists which has never really taken place. ***Leavell v Blades, 141 S.W. 893, 895, 237 Jlo. 695.*** It seems to be true founded in common sense, as well as strict justice, that 'fictions of law' shall not be permitted to work any wrong but shall be used ut res magisralent quam pereat. ***U.S. v 1960 Bags of***

Coffee, 12 U.S. 308, 415, 8 Cranch 398, 415, 3 L.Ed. 602.

The Citizen in party and Respondents names, as indicated in the ORDER DENYING JUDICIAL ORIGINAL ACTION FOR JUDICIAL REVIEW, are spelled by the Ninth Circuit Court of Appeals in all capitol letters. According to accepted legal format, said names are either **FICTITIOUS NAMES** or **ENTITIES** i.e. corporations or a **WAR NAME** (nom de gurre), creating the fiction of the court having venue pursuant to Title 28 U.S.C. 1391 (e), implicating violations 18 U.S.C. 1001, 1621, and 1623.

Congress in establishing 5 U.S.C. section 701-706 did so as a check and balance to governmental power and abuse of that power and it would appear that judicial review is to be granted unless otherwise restricted by Congress. "Provision for judicial review of administrative decisions (now 5 USCS section 701) is intended to be broadly construed and applied so as to grant judicial review of administrative decisions wherever it is possible to do so." ***United States v one 1957 Buick Roadmaster (1958, DC Mich) 167 F Supp 597.*** "Administrative Procedure Act (5 USCS sections 701-706) express strong public interest in avoiding even appearance of possible abuses of administrative power." ***North American Van Lines, Inc. v Interstate Commerce Com. (1974, ND Ind) 386 F Supp 665.***

Congress has expressed, through 5 USCS sections 701-706, that

judicial review is a right and as such should not be denied unless reason can be demonstrated to do so. "Access to judicial review of jinal agency action by an aggrieved person is too important a right to be excluded on anything less than "clear and convincing evidence" of a contrary legislative intent." ***National Automatic Laundry & Cleaning Council v Shultz (1971) 143 App DC 274, 443 F2d 689.*** "There exists presumption of judicial reviewability of federal agency action until Congress has asserted "clearly and convincingly" to contrary." ***American Nursing Centers, Inc. v Weinberger (1977, SD Ill) 387 F Supp 1116.*** "Judicial review of administrative action is rule, and nonreviewability is exception which must be demonstrated." ***Suwannee S.S. Co. v United States (1977) 79 Cust Ct 19, 435 F Supp 389.*** "Provisions of 5 USCS section 706 are mandatory and not merely declarative "guidelines" with respect to scope of judicial review of federal agency's action" ***Charlton v United States (1969, CA3 Pa) 412 F2d 390, later app (CA 3 Pa) 462 F2s 59, cert den 409 US 1027, 34 L.Ed 2D 321, 93 S Ct 460.***

The Ninth Circuit Court of Appeals has, by denying Citizen in Party's request for judicial review of administrative agencies order, forced Citizen in Party to seek an extraordinary action in a higher court as his only administrative remedy to due process of law, to know the nature and cause of agencies orders as are guaranteed by the fourth and fifth Amendments to

the Constitution of the United States of America.

Wherefore the Ninth Circuit Court of Appeals is asked to correct its errors of commission and omission and grant judicial review of agency orders as requested by Citizen in Party.

December 18, 1997

_____

Leonard Lloyd, Morris, Citizen in Party

Sworn and subscribed before me, a Notary Public, on this 18th Day of December in the year of one True God Nineteen-hundred Ninety-seven, Leonard Lloyd, Morris.

_____

Barbara Eileen, Isom

CERTIFICATE OF SERVICE

Case No. 97-80611

I, the undersigned, being of age and competent to serve papers, did on this 18th day of December, 1997, caused to be served a true, complete, and correct copy of the Refusal For Fraud, by placing said Refusal in a postage paid envelope, certified return receipt, into the US Mail, to the following:

Circuit Judge: SNEED
U.S. Court of Appeals
95 7th Street
San Francisco, California state
Postal zone: [94119]
Certified Mail # P 292 817 736

Circuit Judge: LEAVY
U.S. Court of Appeals
95 7th Street
San Francisco, California state
Postal zone: [94119]
Certified Mail # P 292 817 737

Circuit Judge: TROTT
U.S. Court of Appeals
95 7th Street
San Francisco, California state
Certified Mail # P 292 817 738

CATHY A. CATTERSON
Clerk, U.S. Court of Appeals
95 7th Street
San Francisco, California state
Certified Mail # P 292 817 739

Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres, California state
Non-Domestic [95307]

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LEONARD LLOYD, MORRIS,	)	No. 97-80611
	)	
Petitioner,	)	DC# CR 91-212-DLB
	)	Eastern California
vs.	)	(Fresno)
	)	
UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA,	)	ORDER
	)	
Respondent,	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Real Party in Interest,	)	
	)	

Before: SNEED, LEAVY and TROTT, Circuit Judges

Petitioner's Judicial Original Action for Judicial Review" is denied. All other pending motions are denied as moot.

No motions for reconsideration, rehearing, clarification, stay of the mandate, or any other submissions shall be filed or entertained in this closed docket.

mocal / 12.8.97 / ch